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FINAL

ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED NEW RIVER SAFETY BARRIER AND BORDER FENCE PROJECT CALEXICO, CALIFORNIA

BUREAU OF CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON, D.C.

FINAL REPORT

Environmental Assessment for the Proposed New River Safety Barrier and Border Fence Project Calexico, California

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Bureau of Customs and Border Protection
Department of Homeland Security
FINDING OF NO SIGNIFICANT IMPACT
For the Proposed New River Safety Barrier
And Border Fence Project Calexico, California

PROJECT HISTORY: The Bureau of Customs and Border Protection (CBP) is the Federal agency responsible for enforcing the laws regulating the admission of aliens into the US. As part of CPB, the Office of Border Patrol (OBP) is responsible for maintaining control of the borders and coastlines of the US and its territories. The Border Patrol's mission is to prevent the entry by detection, interdiction and apprehension of those who attempt to illegally enter or smuggle persons or contraband across the border.

The OBP, El Centro Sector is responsible for carrying out its mission in the southern California border region. One method of deterring illegal entry into the U.S. is through the use of infrastructure that increases the efficiency of the OBP's ability to maintain control of the border region.

PURPOSE AND NEED: Many illegal aliens enter the US from Mexico via the New River using of various flotation devices. As they travel north, they circumvent OBP agents in Calexico due to the dangers of swift currents and the extreme health risk posed by the pollution and disease in the water. When illegal aliens are detected in the river, rendering aid is difficult due to the varying currents and murky water. It is also difficult to accurately assess how many drown every year or to measure the long-term health risk associated with the illegal aliens interacting with the public and agents. Furthermore, due to border infrastructure being implemented in San Diego Sector, the number of illegal aliens entering El Centro's Sector has increased dramatically.

The El Centro Sector has reported 28,708 apprehensions in 1990 while in 2001, 172,862 illegal aliens were apprehended. This equates to an increase of more than 500 %. In addition, during the same period, the number of illegal alien deaths rose 53 % (230 illegal alien deaths for the entire Sector over the same period due to climate conditions, traffic accidents, and drowning.) These deaths are directly related to the extreme weather conditions within the El Centro Sector's Area of Operation. During these years 100,000 pounds of illegal drugs were seized.

Enhanced infrastructure such as the proposed Safety Barrier and border fence is needed to provide a quick and effective deterrence and detection of illegal aliens. The purpose of the proposed barrier and fence is to provide a more effective deterrence by prohibiting aliens from entering the US by water and land. It also improves response time and drastically enhances the safety of the Border Patrol agents and the general public without increasing the number of agents in the field. These barriers will gain, maintain and extend control of the US/Mexico border.

PROPOSED ACTION: The USBP proposes to install, operate and maintain a retractable Safety Barrier that would deter the flow of illegal aliens north via the New River without impeding the flow of the water. In addition to the Safety Barrier, 5-miles of border barrier fence would also be constructed.

The Safety Barrier is a retractable gate style fence made of tubular aluminum fingers that will be adjusted to the depth of the channel bottom.

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The Border Patrol agents will engage the barrier upon the detection of illegal alien activity in the river. As the illegal aliens are apprehended or turned back, the barrier would be disengaged allowing it to remain up and out of the channel until it is activated again. Two exit ramps as well as life rings are located adjacent to the Safety Barrier along the banks of the New River to assist any illegal aliens that may be unable to exit the river using its banks. One or two permanent stadium style lights will also be installed to assist in deterring and detecting illegal aliens at night. These lights would be located within 30-feet of the Safety Barrier Bridge, facing south, to ensure that agents can clearly see the river at night. Along with the Safety Barrier, 200-feet of chain link fence from the international border to the Safety Barrier Bridge along both outer banks of the New River will be constructed.

The Safety Barrier will be approximately 60-feet long and mounted flush against the Safety Barrier bridge. The main structure of the barrier will consist of steel or heavy-duty aluminum and will be attached at either end of the bridge. This would act as a rail or guide for the barrier to move up and down. The barrier can be activated either electronically or manually. A winch style crank will be attached to the barrier structure in order to facilitate manual retraction of the barrier in case of a power outage. In addition, the barrier and the river would be under surveillance 24-hours a day, 365-days a year. It will only be lowered as a deterrent to those attempting to illegally enter the US to reduce the potential for accidental drowning. Closing this avenue of illegal entry will protect illegal aliens, the assigned agents, and the surrounding community from the health risks posed by the river.

The proposed border fence will begin approximately 2-miles west of the POE and continue west for approximately 5-miles. The proposed fence will be constructed of surplus, military landing mats similar to the existing fence in the area. Each landing mat panel would be welded to the next to form a solid fence. Vertical support poles would be installed through the annular space of the hollow-stem auger. The poles are set in concrete. Ground disturbance would only occur where support poles would be installed. Currently a two-track road parallels the border and will be used during construction of the fence. Construction or improvement of a maintenance road is not necessary. This action would substantially impede illegal foot traffic and eliminate vehicle traffic within the area with minimal environmental impacts.

ALTERNATIVES: The No Action alternative would require the El Centro Sector to maintain its current level of operations with its existing infrastructure. This alternative would preclude the installation and operation of both the New River Safety Barrier and the addition of 5-miles of border fence. Also, additional agents would have to be deployed to the region and/or the current staff would be required to work longer hours. Under this alternative, illegal entrants would be less likely to be apprehended, indirectly creating habitat destruction, health risks, and safety hazards for the Border Patrol agents due to illegal foot traffic. Even though this alternative would reduce the insignificant impacts of the preferred alternative, it would not satisfy the purpose and need to provide a safe and efficient working environment for the agents assigned to the El Centro Sector.

ENVIRONMENTAL CONSEQUENCES: No significant adverse effects to the natural or human environment are expected upon implementation of the Proposed Action. Ground disturbance will not affect land use, aesthetics, threatened and endangered species or critical habitat, air quality, socioeconomic or cultural resources.

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Since a minimal amount of the Proposed Action involve ground disturbance, some minor effects are expected to soils and vegetation. However, the total project is expected to disturb a maximum 1.2-acres, previously highly disturbed. Therefore, the effects are not considered significant.

ENVIRONMENTAL DESIGN MEASURES: Due to the limited nature of the Proposed Action, construction impacts are expected to be slight; therefore, environmental design measures are only described for those resources with potential for impacts. Environmental design measures to be implemented by the Border Patrol, El Centro Sector for the Proposed Action include:

1. The single wetland that is located within the project corridor adjacent to the All American Canal yet outside of the construction footprint will be flagged for avoidance prior to construction to ensure that no damage is done to the wetland. In addition, proper maintenance of construction equipment and best management practices during construction activities will be used to minimize the possibility of accidental spills of fuels or lubricants that, if they occurred, could affect surface and ground water quality.

2. If any cultural remains are discovered during construction activities, activities will stop and the California State Historic Preservation Officer and a qualified archaeologist will be notified immediately in order to assess the significance of the remains and determine appropriate mitigation measures.

3. In order to minimize the amount of project-related dust emissions, the following management practices shall be implemented during project construction: (1) minimize land disturbance; and (2) water trucks shall be used to wet exposed areas and control emissions of fugitive dust caused by grading and hauling activities and vehicular travel on unpaved road surfaces. In addition, all construction equipment shall be maintained and operated in a manner that produces the least amount of emissions and maintains the lowest possible noise levels. Standard noise attenuation equipment, such as mufflers, must be used on all construction equipment and vehicles and must be maintained in good operating condition, free from leaks and holes.

FINDING: Based upon the results of the environmental assessment and the environmental design measures to be incorporated as part of the Proposed Action, the Proposed Action will not have a significant adverse effect on the environment. Therefore, no further environmental impact analysis is warranted.

Kevin T. Feeney
Environmental Program Officer

1/13/04
Date

Executive Summary

PROPOSED ACTION:	This Environmental Assessment (EA) addresses the potential effects, beneficial and adverse, of the proposed installation and operation of a Safety Barrier across the New River and 5 miles of new border fence in Calexico, Imperial County, California. The U.S. Border Patrol (USBP) El Centro Sector proposes to install the Safety Barrier along an existing bridge, spanning the New River. It is no longer in use and is located approximately 200 feet north of the international border. In conjunction with the Safety Barrier USBP also proposes to create an additional 5 miles of border fence. This fence would connect to the existing border fence and continue west.
PURPOSE AND NEED FOR THE PROPOSED ACTION:	The proposed barriers are to be implemented to enhance USBP capabilities of deterring and detecting illegal entries into the united States and to assist in the apprehensions of those illegal entrants who are detected. Therefore, there is a need to provide enhanced infrastructure such as the safety barrier and border fence, which would allow the USBP to quickly and effectively deter and detect illegal aliens. The purpose of the proposed barrier and fence is to provide the essential infrastructure necessary to more effectively deter and prohibit illegal aliens from illegally entering the United States by land and water, improve response time, and drastically enhance the safety of the USBP agents and general public without increasing the number of agents in the field. These barriers would also facilitate the USBP's mission to prevent the entry of terrorists and their weapons of terrorism: to enforce the laws that protect America's homeland by detection, interdiction and apprehension of those who attempt to illegally enter or smuggle any person or contraband across our Nation's sovereign borders. The New River flows through the city of Mexicali, Baja California (B.C.), Mexico north into the U.S. at Calexico, California. The river is heavily polluted and poses a severe health risk to anyone who comes in contact with its water. It contains chemical waste from agricultural runoff, which flows in from a river channel in the Mexicali Valley as well as industrial waste from factories. These factories utilize the river as an outlet for heavy metals such as mercury and arsenic. Additionally, millions of gallons of raw sewage is pumped into the river by the Mexicali sewage treatment plant, which doesn't have the capabilities to handle the cities sewage. Imperial County Health Department officials have stated that the river is an extreme health hazard. Many illegal aliens enter the U.S. from Mexico via the New River through the use of various flotation devices. As they travel northward they are able to circumvent USBP agents in Calexico due to the inherent dangers of swift currents as well as the extreme health risk posed by the pollution and

	disease. When the illegal aliens are detected in the river, rendering aid is difficult due to the varying currents and murky water. Many of these elements make it difficult to not only accurately assess how many drownings occur every year but to also measure the long-term health risk associated with the illegal aliens interacting with the public and agents. Furthermore, the number of illegal aliens entering El Centro's Sector has risen dramatically. The number of illegal aliens apprehended increased within El Centro Sector tremendously between 1990 and 2001. The number of apprehensions in 1990 was 28,708 while in 2001, 172,862 illegal aliens were apprehended, which equates to more than an increase of 500 percent. Furthermore, between FY 99 and FY 01 the number of illegal alien deaths rose 53 percent with over 230 illegal alien deaths for the entire sector during this time period due to climate conditions, traffic accidents, and drowning. These deaths are directly related to the extreme conditions within areas of El Centro Sector's Area of Operation (AO). Also reported during these same years was the seizure of over 100,000 pounds of illegal drugs.
ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION:	The proposed action would involve moderate construction activities within project corridor, which has been previously highly disturbed. The corridor was surveyed for sensitive biological resources. Archeological surveys were not completed for this project because the Safety Barrier would require no ground disturbing activities and the area that the additional border fence would be constructed has been previously highly disturbed. A request for concurrence of no significant impacts to cultural resources has been submitted to the California State Historic Preservation Officer (SHPO). The proposed action would have no significant effects to land use, air quality, cultural resources, soils, noise, aesthetics, vegetation and wildlife, water quality, or socioeconomic resources.
CONCLUSIONS:	Based upon the results of the EA, has been concluded that construction activities for the proposed Safety Barrier and border fence would have no adverse impacts to environmental or human resources in the proposed project area.

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INTRODUCTION

1.0 INTRODUCTION

This Environmental Assessment (EA) addresses the potential effects, both beneficial and adverse, of the proposed installation and operation of a Safety Barrier across the New River and 5-miles of new border fence in Calexico, Imperial County, California (Figure 1-1). The U.S. Border Patrol (USBP) El Centro Sector proposes to install the Safety Barrier along an existing bridge, spanning the New River, located on Federally owned property administered and managed by the U.S. General Services Administration (GSA), San Diego Office. The bridge is no longer in use and is located approximately 200-feet north of the international border. In conjunction with the Safety Barrier, the USBP proposes to create an additional 5-miles of border fence, which would connect to the existing border fence and continue west. These barriers are to be implemented to enhance the USBP's capabilities of deterring and detecting illegal entrants into the United States and to assist in the apprehensions of those detected illegal entrants.

Relative background information was obtained from the 1997 EA for the Joint Task Force-Six (JTF-6) Border Fence Construction and Maintenance near Calexico, Imperial County, California (U.S. Army 1997) and the 2002 Immigration and Naturalization Service (INS) EA for Permanent Lighting Structures near Calexico, California (INS 2002). Site-specific surveys were performed at the proposed Safety Barrier location and along the 5-miles of proposed border fence.

1.1 U.S. Customs and Border Protection Organization

The U.S. Customs and Border Protection (CBP) of the Department of Homeland Security (DHS) is the guardian of our Nation's borders and has the responsibility to regulate and control immigration into the United States (U.S.). As part of the CPB, the USBP is responsible for maintaining control of the borders and coastlines of the United States and its territories. As the primary law enforcement agency between the ports of entry, the USBP mission is to prevent the entry of terrorists and their weapons of terrorism, and to enforce the laws that protect America's homeland by detection, interdiction and apprehension of those who attempt to illegally enter or smuggle any person or contraband across our Nation's sovereign borders. The USBP is a highly mobile force of uniformed agents who

Figure 1-1

patrol 8,000 miles of international boundaries in vehicles, aircraft, boats, by horseback, and by foot. These boundaries are large, diverse, and difficult to effectively enforce without the use of dedicated tactical infrastructure (fences, lights, roads, Remote Video Surveillance systems, etc.). Through the use of all of these aforementioned tactics, the USBP is able to secure the border from illegal entry--regardless of the motivation behind the entry.

Since 1980, an annual average of 150,000 immigrants are naturalized. However, since 1993 illegal aliens have become a significant issue. In fiscal year (FY) 1999, the USBP reported that almost one million illegal immigrants were apprehended and that more than 1.1 million pounds of marijuana and over 29,000 pounds of cocaine were seized during the apprehensions (USBP 2000). The USBP estimates that currently there are between 3 and 6 million illegal aliens in the United States; however, other studies have indicated figures closer to 10 million. The number of deportable aliens apprehended in El Centro Sector alone from 1990 through 2001 is presented in Table 1-1.

Table1-1. Deportable Aliens Apprehended

Year	Number of Aliens Apprehended	Percent Change
1990	28,708	NA
1991	30,450	*+6*
1992	29,851	*-1*
1993	30,058	*+.6*
1994	27,655	*-7*
1995	37,317	*+35*
1996	66,860	*+79*
1997	146,210	*+118*
1998	226,580	*+55*
1999	225,293	*-.5*
2000	238,127	*+5*
2001	172,862	*-27*

Source: (USBP, 2002).

1.2 Background

Prior to the early 1990s, there was less awareness of southwest border issues and less National attention was given to illegal trans-boundary activity. As a result, the USBP's growth was nominal, funding for enforcement efforts fell short, and the USBP functioned under severe resource constraints. Events over the last decade related to illegal

immigration, narcotics smuggling, and terrorism, however, have increased the Nation's awareness and generated a renewed interest in controlling the U.S.-Mexico border. National concern has led to increased funding and staffing, and also created new opportunities in the development of proactive border control strategies demonstrated in patrol and enforcement operations throughout the southwest border area (e.g, Operations Gatekeeper, Hold-the-Line, Safeguard, and Rio Grande).

The enforcement strategy pre-dating such operations was necessarily reactive and, because little emphasis was placed on deterring illegal crossing, it diminished the importance of infrastructure (e.g., RVS systems, fences, lights) along the U.S.-Mexico border. Instead, the USBP's efforts focused singularly upon making apprehensions *after* the international boundary was breached. This strategy utilized the "element of surprise" by deploying limited resources away from the border in concealed positions. However, as illicit trafficking continued to increase, the area that the USBP was required to patrol also increased. The USBP's inability to deter or contain illegal migration created an increase in the geographic footprint (and subsequent environmental impacts) of illegal migration patterns.

During recent years, the USBP has increased its emphasis on deterrence. Deterrence is achieved only when the USBP has the ability to "*create and convey the immediate, credible, and absolute certainty of detection and apprehension*" (USCBP 2003). As such, tactical infrastructure components, such as barriers, lights, roads, and sensor systems are critical elements in the current enforcement strategy. The continued urbanization and industrialization of the immediate border, the recognition of environmental preservation concerns, and the increase of criminal trans-boundary activity (including trafficking of people and drugs, and counter terrorism efforts) continue to pose a border enforcement challenge and increase the need for tactical infrastructure.

The negative impacts of widespread drug use on society continue to affect the work force, educational system, general law and order, and traditional family values and structure in the U.S. (Office of National Drug Control Policy 1998). Rising rates of violent crime, serious damage to the Nation's health and economy, and strains on vital relationships with international allies led the U.S. Congress to develop the National Drug Control Strategy. Consistent with the USBP's National Strategy, it is critical to integrate infrastructure with the

current deployment of agents within the proposed action area. This will maximize the deterrent enforcement capability of the USBP and facilitate the desired level of border control by affecting a permanent state of deterrence through certainty of detection and apprehension.

1.3 Purpose and Need

There is a need to provide enhanced infrastructure such as the Safety Barrier and border fence, which would allow the USBP to quickly and effectively deter and detect Illegal aliens. The purpose of the proposed barrier and fence is to provide the essential infrastructure necessary to more effectively deter and prohibit aliens from illegally entering the United States by land and water, improve response time, and drastically enhance the safety of the USBP agents and general public without increasing the number of agents in the field. These barriers would also facilitate the USBP's mission to gain, maintain and extend control of the U.S.-Mexico border.

The New River flows through the City of Mexicali, Baja California, Mexico north into the U.S. at Calexico, California. The river is heavily polluted and poses a severe health risk to anyone who comes in contact with its water. It contains chemical waste from agricultural runoff, which flows in from a river channel in the Mexicali Valley as well as industrial waste from factories. These factories utilize the river as an outlet for heavy metals such as mercury and arsenic. Additionally, millions of gallons of raw sewage is pumped into the river by the Mexicali sewage treatment plant, which doesn't have the capabilities to handle the city's sewage. Imperial County Health Department officials have stated that the river is an extreme health hazard. The U.S. Department of Health and Human Services, Agency for Toxic Substances and Disease Registry 1999 and 2000 analysis of the New River sites the following threats to the Public's Health:

- Ingestion and dermal exposure to New River water poses a threat to public health.
- Exposure to contamination in the New River resulting from ingestion of suspended sediments and through dermal absorption of contaminants from bottom sediments does pose a Public Health Hazard (Raecker 2000).

Diseases such as typhoid, cholera, and hepatitis are also among the many health risks associated with the river. It has been reported that the river should be assumed to contain all elements one would expect to find in human feces. Essentially, the New River is a body of water, which is laden with dangerous diseases, chemicals, health hazards, and serves as a sewer drain for the City of Mexicali.

Many Illegal aliens enter the U.S. from Mexico via the New River through the use of various flotation devices. As they travel northward they are able to circumvent USBP agents in Calexico due to the inherent dangers of swift currents as well as the extreme health risk posed by the pollution and disease. When the Illegal aliens are detected in the river, rendering aid is difficult due to the varying currents and murky water. Many of these elements make it difficult to not only accurately assess how many drownings occur every year but to also measure the long-term health risk associated with the Illegal aliens interacting with the public and agents. Furthermore, the number of Illegal aliens entering El Centro's Sector due to border infrastructure being implemented in San Diego Sector has increased dramatically.

As seen in Table 1-1 the number of Illegal aliens apprehended increased within the El Centro Sector tremendously between 1990 and 2001. The number of apprehensions in 1990 was 28,708 while in 2001, 172,862 Illegal aliens were apprehended, which equates to an increase of more than 500 percent. Furthermore, between FY 99 and FY 01 the number of illegal alien deaths rose 53 percent with over 230 illegal alien deaths for the entire sector during this time period due to climate conditions, traffic accidents, and drowning. These deaths are directly related to the extreme conditions within areas of El Centro Sector's Area of Operation (AO) (USBP, 2002). Also reported during these same years was the seizure of over 100,000 pounds of illegal drugs.

1.4 Regulatory Authority

The primary sources of authority granted to officers of the BCBP are the Immigration and Nationality Act (INA), found in Title 8 of the United States Code (8 U.S.C.), and other statutes relating to the immigration and naturalization of aliens. The secondary sources of authority are administrative regulations implementing those statutes, primarily those found in Title 8 of the Code of Federal Regulations (8 C.F.R. Section 287), judicial decisions, and

administrative decisions of the Board of Immigration Appeals. Other statutory provisions can be found in the 1997 EA for the JTF-6 Border Fence Construction and Maintenance near Calexico, Imperial County, California (U.S. Army 1997).

SECTION 2.0
ALTERNATIVES

2.0 ALTERNATIVES

The dynamics of illegal entry dictate the placement and designs of various solutions for border control. Infrastructure systems are an indispensable tool in deterring those attempting to illegally cross the U.S. border as well as maintaining the USBP's flexibility in deploying agents and enforcement operations. A formidable infrastructure system relaxes stringent workforce demands by slowing down illegal entrants and increasing the window of time that agents have to respond. As the flow of illegal traffic is decreased, greater benefits to the human and natural environment beyond the border will be realized. Upon completion of infrastructure systems, the USBP managers can better utilize existing workforces when addressing the dynamic nature of illegal alien, terrorists, and narcotics trafficking.

The alternatives considered during the preparation of this EA were formulated based upon their potential to satisfy the purpose and need as stated in Chapter 1, their potential to satisfy the spirit and intent of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), and the knowledge and experience of the USBP. Two alternatives for completion of the proposed infrastructure along the international border will be evaluated in detail in this EA, the No Action Alternative and the Proposed Action Alternative. Other alternatives and alternative designs were considered initially, but have been eliminated from further consideration as operationally non-effective (i.e., does not satisfy the stated purpose and need) or did not satisfy the spirit and intent of IIRIRA. Each of these alternatives is described in detail in the following subsections.

2.1 Proposed Action Alternative

The USBP proposes to install, operate and maintain a retractable Safety Barrier that would deter the flow of illegal aliens north via the New River without impeding the flow of the water. In addition to the Safety Barrier, 5-miles of border barrier fence would also be constructed (Figure 2-1).

2.1.1 Safety Barrier

The Safety Barrier is a retractable gate style fence made of tubular aluminum fingers that would be adjusted to the depth of the natural channel bottom. Conceptual drawings of the Safety

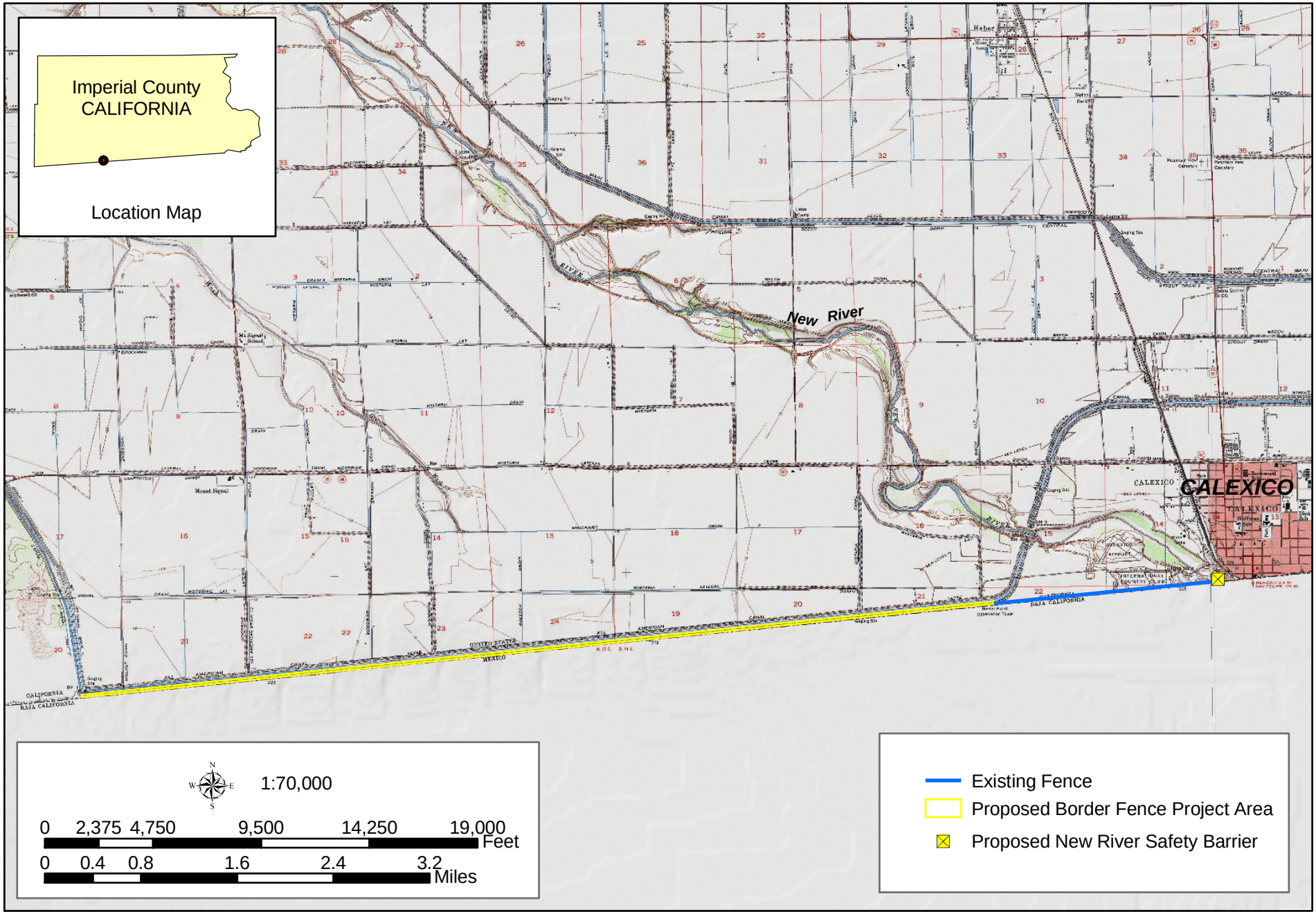

Figure 2-1: Proposed New River
Safety Barrier and Border Fence Project Area

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Barrier in its engaged state and disengaged state are found on Figure 2-2 and 2-3, respectively. The USBP agents would engage the barrier upon the detection of illegal alien activity in the river. As the illegal aliens were apprehended or turned back, the barrier would be disengaged allowing it to remain up and out of the channel until it is activated again. Two exit ramps as well as life rings would be located adjacent to the Safety Barrier along the banks of the New River to assist any illegal aliens that were unable to exit the river using its banks. One or two permanent stadium style lights would also be installed to assist in deterring and detecting illegal aliens as they attempt to illegally enter the U.S. via the river at night. These lights would be located within 30 feet of the Safety Barrier Bridge, facing south, to ensure that agents could clearly see the river in the dark of night. For the purposes of this EA, the bridge that the Safety Barrier is to be installed on will be referred to as the Safety Barrier Bridge.

Along with the Safety Barrier, 200 feet of chain link fence from the international border to the Safety Barrier Bridge along both outer banks of the New River would be constructed. The Safety Barrier would be approximately 60 feet long and would be mounted flush against the Safety Barrier Bridge. The main structure of the barrier would consist of steel or heavy-duty aluminum and would be attached at either end of the Safety Barrier Bridge. This would act as a rail or guide for the barrier to move up and down. The barrier would be activated either electronically or manually. A winch style crank would be attached to the barrier structure in order to facilitate manual retraction of the barrier in case of a power outage or other unforeseeable situations. In addition, the barrier and the river would be under surveillance 24 hours a day, 365 days a year and would only be lowered as a deterrent to those attempting to illegally enter the U.S, thus reducing the potential for accidental drownings. Closing this avenue of illegal entry would protect the illegal aliens, the assigned agents, and the surrounding community from the health risks posed by the river.

2.1.2 Border Barrier Fence

The proposed border fence would begin approximately 2-miles west of the POE and continue west for approximately 5-miles. The proposed fence would be constructed from surplus military landing mat fence (Photograph 1) similar to the existing fence

Photograph 1

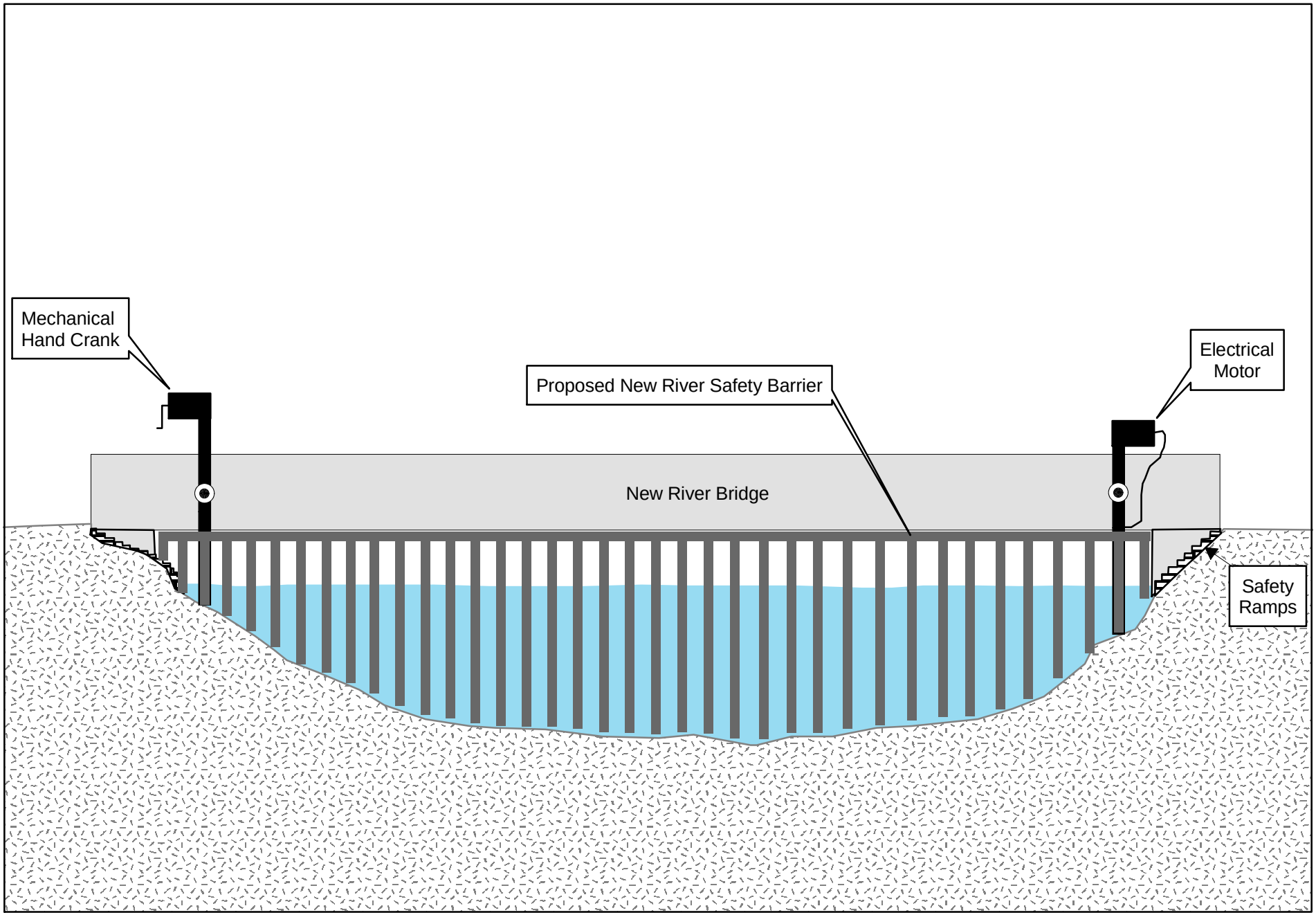

Figure 2-2: Proposed New River Safety Barrier Schematic in Lowered Position

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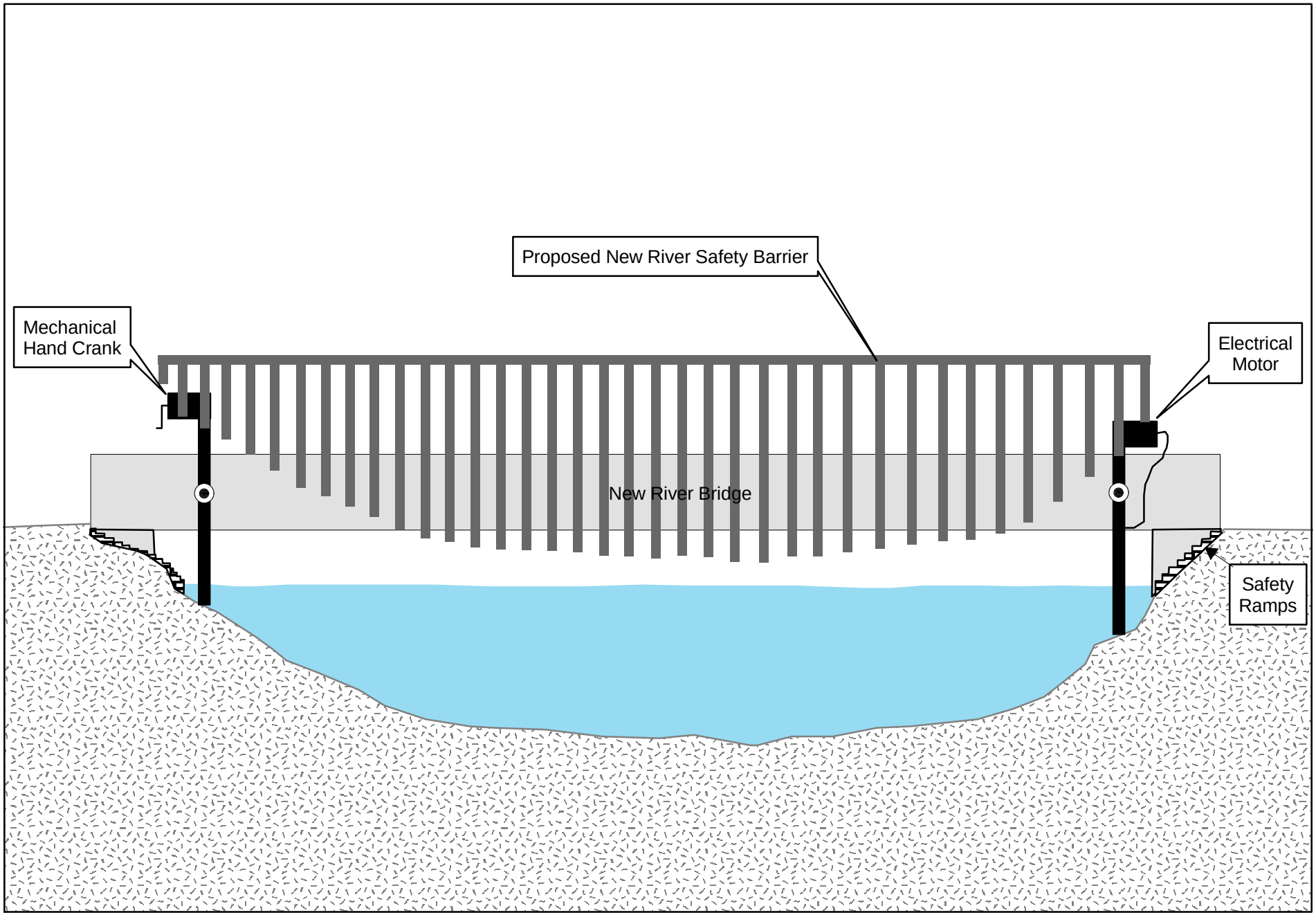

Figure 2-3: Proposed New River Safety Barrier Schematic in Raised Position

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in the area at a cost of approximately $5,000 per mile. Each landing mat panel would be welded to the next to form a solid fence. Vertical support poles would be installed through the annular space of the hollow-stem auger. The poles would be placed in the boreholes and grouted with concrete to secure them. Ground disturbance would only occur where support poles would be installed. Currently a two-track road parallels the border, which would be used for access during construction of the fence and as a maintenance road when the construction is completed. Thus, construction or improvement of a maintenance road would be unnecessary. This action would substantially impede illegal foot traffic and eliminate vehicle traffic within the area with minimal cost and environmental impacts.

2.2 No Action Alternative

The No Action Alternative would preclude the installation and operation of both the New River Safety Barrier and the addition of 5-miles of border fence. Under this alternative, illegal entrants would be less likely to be apprehended, thus indirectly creating additional habitat destruction, health risks, and safety hazards for the USBP agents due to illegal foot traffic. Also, additional agents would have to be deployed to the region and/or the current staff would be required to work longer hours.

2.3 Alternative Considered but Eliminated

In regards to the Safety Barrier component of this project the Proposed Action and No Action Alternatives were the only alternatives considered. However, one other alternative to the additional 5-miles of border fence was considered but eliminated.

2.3.1 Increased Workforce Alternative

This alternative would involve increasing the number of USBP agents to observe activities and detect any potential illegal entry efforts. Additional USBP agents would have to be stationed in areas 24 hours per day, seven days a week, and would not provide the same level of deterrence as the Proposed Action Alternative. Such efforts would require an enormous commitment of resources and would demand an increase of about 20 agents per shift to obtain an equal level of effectiveness as the proposed border fence. So based on three shifts per 24- hour period, an additional 60 agents per day would have to be deployed within the corridor. In addition, the purchase of large amounts of equipment would be

necessary due to the fact that USBP agents and/or their vehicles would require infrared cameras or spotting scopes to allow night observations.

Under this alternative, patrol roads would remain in the same unimproved condition that they are now. However, due to an increase in workforce, more vehicles would be utilizing patrol roads, possibly worsening their current condition and increasing safety risks to more USBP agents.

Due to the increased cost of implementing this alternative and lack of improvements to safety issues, this alternative was not considered viable because it does not satisfy the purpose and need. The additional staff would not provide increased flexibility in the station's enforcement strategy. In addition, the effectiveness of the USBP would not be improved under this alternative since illegal aliens and smugglers could continue to travel across the U.S.-Mexico border unrestricted without the presence of a physical barrier.

2.4 Summary

The Proposed Action Alternative is to establish, operate, and maintain 5-miles of additional border fence and maintenance road, and a Safety Barrier across the New River. The proposed fence, road, and Safety Barrier would be established in previously disturbed or sparsely vegetated sites. A summary matrix (Table 2-1) presents the two alternatives in comparison to the stated purpose and need. Table 2-2 presents a summary matrix of the impacts of the two alternatives and how each affects the environmental resources in the Region of Influence (ROI).

Table 2-1. Summary Comparison of Purpose and Need to Alternatives

Purpose and Need Criteria	Alternatives	
	No Action	Proposed Action
Prevent illegal alien deaths through early detection, deterrence, and enhanced rescue capabilities	no	yes
Improve the safety of agents assigned to work within the New River area	no	yes
Reduce environmental damage caused by illegal foot traffic	no	yes

Table 2-2. Summary Matrix of Potential Impacts

Affected Environment	No Action Alternative	Proposed Action Alternative
Land Use	No impacts to land use are expected.	The overall land use within the region would not change. However, localized land use would change from barren land to border fence.
Soils	No impacts to soils are expected.	Construction of the border fence and use of the existing two-tract road for maintenance would permanently impact 1.2 acres of soils. However, the construction of the fence would not significantly impact these soils due to their previously disturbed nature. No ground disturbance would be required for construction of the Safety Barrier
Biological Resources	No direct adverse impacts. Impacts to wildlife species, threatened and endangered species, and their habitat associated with illegal alien traffic would continue at the current frequency or greater.	No direct impacts to wildlife species, threatened and endangered species, and their associated habitat is expected. Indirect impacts could occur outside of the project corridor as illegal aliens try to find new avenues of entry into the U.S.
Cultural Resources	No adverse effects are anticipated.	No impact.
Air Quality	No adverse effects are anticipated.	No violations to air quality standards are expected.
Water Resources	No direct adverse impacts.	No adverse effects to water resources are anticipated. No Section 10 permit is required.
Socioeconomics	No effect on the regional or local economy. This alternative would not reduce the loss of human life or health and safety hazards associated with the New River.	No effect on the regional or local economy. The Proposed Action Alternative would potentially reduce the loss of human life as well as provide a healthier and safer work environment for the USBP agents.
Environmental Justice and Protection of the Children	No direct adverse impacts.	This action would not violate Environmental Justice or Protection of Children issues and would increase the safety of children illegally attempting to enter the United States.
Noise	No adverse impacts are expected.	Noise levels would be temporarily elevated in the immediate vicinity of the border fence and Safety Barrier during construction.
Hazardous Materials	No adverse impacts are expected.	No adverse impacts are expected.
Aesthetics	No adverse impacts are expected.	The Safety Barrier and border fence would not significantly impact aesthetics due to the fact that the project corridor is disturbed or developed.

SECTION 3.0
AFFECTED ENVIRONMENT

3.0 AFFECTED ENVIRONMENT

The 5 miles of border fence and associated maintenance road, and the Safety Barrier would be located near the city of Calexico, California. The fence would be located along the western edge of the city while the Safety Barrier would be in the developed south-central portion of the city (see Figure 2-1). Biological surveys were conducted at the proposed fence and barrier locations to ascertain the existing conditions at each site. The surveys were conducted during the week of 8 September 2003. Archeological surveys were not completed for this project because the construction of the Safety Barrier would require no ground disturbing activities and the area where the border fence would be constructed is highly disturbed. A request for concurrence of no significant impacts to cultural resources has been submitted to the California State Historic Preservation Officer (SHPO). Data regarding general wildlife, vegetation, soils, and Federal and state protected species were collected. General descriptions of the resources at or surrounding the project corridor are provided in the following subsections. Traffic and roadways will not be carried forward for discussion, as the proposed project would not impact local traffic patterns or roadways.

3.1 Land Use and Soils

The surrounding land use at the proposed Safety Barrier is developed. The barrier is to be located along an existing bridge within the old U.S. Customs Inspection Port located approximately 200 feet north of the international border. Land use near the proposed border fence is entirely agricultural (Figure 3-1). Surrounding land use in the region is open rangeland and cropland.

3.1.1 Soils

The U.S. Department of Agriculture (USDA), Soil Conservation Services soil survey information for Imperial County, Imperial Valley area (USDA 1981) was reviewed to determine general soil types found within the proposed project area. Four different soils are located throughout the project corridor: the Meloland very fine sandy loam, Imperial-Glenbar silty clay loams 0 to 2 percent slopes, Imperial silty clay, and the Holtville silty clay. The Meloland soil is a deep nearly level soil found on flood plains or basin floors. These soils are known to have a slow permeability rate as well as a slow runoff rate. They are often

Figure 3-1: Proposed Border Fence Project Area

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used as croplands. The Imperial-Glenbar soils are often located on nearly level lands on flood plains or lakebeds within the irrigated areas of the Imperial Valley. The Imperial-Glenbar soil is used for croplands as well as urban purposes. Imperial silty clay soils are generally found in areas similar to those of the Imperial-Glenbar soils and have the same limitations and uses. The Holtville sitly clay soils are a very deep soil that is located on flood plains and alluvial basin floors. They have a slow permeability rate in the clayey layer and moderately rapid in the underlying material. As with the other soils found in the project corridor the Holtville silty clay is commonly used for cropland purposes. All of the soils located within the project corridor have been disturbed due to past and on-going human disturbances.

Before construction activities can begin along the proposed border fence corridor, a Farmland Conversion Impact Rating Form (AD-1006) must be completed and submitted to the NRCS (see Appendix B). Since Holtville sitly clay is considered to be prime farmland only when irrigated and the soils located on the project site are not irrigated, no prime farmlands exist within the project footprint.

3.2 Air Quality

The Clean Air Act, which was last amended in 1990, requires the U.S Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. The Act established two types of national air quality standards. Primary standards set limits to protect the public health, including the health of sensitive populations such as asthmatics, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings. The EPA Office of Air Quality Planning and Standards (OAQPS) have set NAAQS for six criteria pollutants (Table 3-1). Areas where air pollution levels persistently violate the NAAQS may be designated non-attainment. Imperial County is located within EPA's Region 9 and is currently in non-attainment for Particulates (PM_{10}) and ozone (EPA 2002).

Table 3-1

National Ambient Air Quality Standards

Pollutant	Standard Value	Standard Type
Carbon Monoxide (CO)		
8-hour average	9ppm (10mg/m^3)**	Primary
1-hour average	35ppm (40mg/m^3)**	Primary
Nitrogen Dioxide (NO_2)		
Annual arithmetic mean	0.053ppm (100µ/m^3)**	Primary and Secondary
Ozone (O_3)		
1-hour average*	0.12ppm (235µg/m^3)**	Primary and Secondary
8-hour average*	0.08ppm (157µg/m^3)**	Primary and Secondary
Lead (Pb)		
Quarterly average	1.5µg/m^3	Primary and Secondary
Particulate<10 micrometers (PM_{10})		
Annual arithmetic mean	50µg/m^3	Primary and Secondary
24-hour average	150µg/m^3	Primary and Secondary
Particulate<2.5 micrometers ($PM_{2.5}$)		
Annual arithmetic mean	15µg/m^3	Primary and Secondary
24-hour Average	65µg/m^3	Primary and Secondary
Sulfur Dioxide (SO_2)		
Annual arithmetic mean	0.03ppm (80µg/m^3)**	Primary
24-hour average	0.14ppm (365µg/m^3)**	Primary
3-hour average	0.50ppm (1300µg/m^3)**	Secondary

Source: Environmental Protection Agency 1999.
Legend: ppm = parts per million
mg/m^3 = milligrams per cubic meter of air
µg/m^3 = micrograms per cubic meter of air

* The ozone 1-hour standard applies only to areas that were designated non-attainment when the ozone 8-hour standard was adopted in July 1997.
** Parenthetical value is an approximate equivalent concentration

3.3 Water Resources

The proposed project area falls within the Southern Mojave-Salton Sea Hydrologic Unit (Code 1810) as designated by the U.S. Geological Survey (USGS). Surface waters in the area include the All American Canal; the New River, which runs near the western edge of Calexico, and the Alamo River, located approximately six miles east of Calexico. The Safety Barrier would span the New River. There are several other smaller canals in the surrounding area, which provide irrigation for agricultural purposes.

Groundwater in southern California is supplied from two aquifers: the Basin-Fill and the Alluvium and Older Sediments (U.S. Army 2001). Common sources of contamination of groundwater include irrigation return flow, application of pesticides, improper waste disposal, and untreated wastewater.

3.3.1 New River

During the early 1900's the New River was a small channel that was normally dry; however, when floodwaters breached the Alamo Canal they collected in the dry river channel causing it to grow to sizes upwards of 1,800 feet wide in some locations. The New River originates about 20 miles south of the Mexico-California border, flowing northward from Mexicali, Baja California, Mexico, through the city of Calexico, California, into the Imperial Valley, before emptying into the Salton Sea (American Rivers 1997)

The New River is the most polluted river in California, according to the state, and arguably one of the most contaminated rivers in the United States. Some 30 known viruses have been traced back to the river. These viruses range from hepatitis A to polio, as well as caustic chemicals from the region's maquiladora factories, heavy metals such as mercury, arsenic, and lead and pesticides from Mexican farms. Furthermore, the river is also used as an out-source for poorly treated municipal sewage making it essentially a toxic stew (American Rivers 1997). The river is listed on the 2002 Clean Water Act Section 303(d) List of Impaired Waters. The pollutant and the Total Mass Daily Load (TMDL) priority for this river can be found in Table 3-2.

3.3.2 Wetlands and Waters of the U.S.

Section 404 of the Clean Water Act (CWA) of 1977 (P.L. 95-217) authorizes the Secretary of the Army, acting through the US Army Corps of Engineers (USACE), to issue permits for the discharge of dredged or fill material into Waters of the United States, including wetlands. Waters of the United States (Section 328.3[2] of the CWA) are those waters used in interstate or foreign commerce, subject to ebb and flow of tide, and all interstate waters including interstate wetlands. Waters of the United States are further defined as all other waters such as intrastate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, or impoundments of waters,

Table 3-2

2002 CWA Section 303(d) List of Water Quality Limited Segments for the New River in Calexico, California

Pollutant/Stressor	Potential Sources	TMDL Priority
1,2,4-trymethlbenzene	Industrial Point Sources (Out of state source)	Low
Chloroform	Industrial Point Sources (Out of state source)	Low
m,p,-Xylenes	Industrial Point Sources (Out of state source)	Low
Nutrients	Major Municipal Point Source and Agricultural Return Flows (Out of state source)	Low
Organic Enrichment/Low Dissolved Oxygen	Inappropriate Wastewater Dumping (Out of state source)	Medium
o-Xylenes	Industrial Point Sources (Out of state source)	Low
p-Cymene	Industrial Point Sources (Out of state source)	Low
Pesticides	Agricultural Return Flows (Out of state source)	Low
Sedimentation/Siltation	Agricultural Return Flows	High
Toluene	Industrial Point Sources (Out of State Source)	Low
Trash	Out of state source	Medium

Source: SWRCB 2003.

tributaries of waters, and territorial seas. Jurisdictional boundaries for Waters of the United States are defined in the field as the ordinary high water mark which is that line on the shore or bank established by the fluctuations of water and indicated by physical characteristics such as clear, natural lines impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Wetlands are those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (USACE 1987). A potential jurisdictional wetland is located near the proposed border fence; however, it is not within the project footprint and would not be affected (see Appendix A). Furthermore, the New River is considered a Waters of the U.S.

3.4 Natural Resources

The historic vegetation types within the proposed project area most resemble the Lower Colorado River Valley Subdivision of the Sonoran Desertscrub Biotic Community (Brown 1994). Because of a combination of high temperature and low precipitation, this subdivision is the driest of the Sonoran Desert Subdivisions. Plant growth is typically both open and simple, reflecting the intense competition existing between plants for the scarce water resources (Brown 1994).

Vegetation density at the project site is very low, with most of the actual footprint of the proposed site devoid of vegetation. The Safety Barrier would be placed on an existing bridge thus no vegetation disturbance would be required. The chain link fence associated with the Safety Barrier is to be placed on bare ground, which supports no vegetation. Giant switchcane (*Arundinaria gigantea*) is scattered along the banks of the New River. The proposed border fence is located along a highly disturbed area, which has been bulldozed from previous actions and contains little if any vegetation (see Appendix A). The vegetation that was observed during biological surveys for the additional 5 miles of border fence includes: giant switchcane, four-winged saltbush (*Atriplex canescens*), soft rush (*Juncus* sp.), sedge (*Carex* sp.), tamarisk (*Tamarix ramosissima*), and cattail (*Typha* sp). The four-winged saltbush is periodically scattered throughout the corridor while the tamarisk, soft rush, sedge, and giant switchcane were located within an isolated potential jurisdictional wetland adjacent to the southern bank of the All American Canal. This wetland was found near the eastern portion of the 5 miles of proposed border fence. The surrounding vegetation is primarily agricultural croplands (see Figure 3-1 and Figure 3-2).

3.4.1 Wildlife

Mammals within the area are more commonly rodents, which include deer mouse (*Peromyscus maniculatus*), western harvest mouse (*Reithrodontomys megalotis*), desert kangaroo rat (*Dipodomys deserti*), and whitetail antelope squirrel (*Ammospermophilus nelsoni*). Other mammals that are likely to occur within the area are the desert cottontail (*Sylvilagus audubonii*), blacktail jackrabbit (*Lepus californicus*), coyote (*Canis latrans*), striped skunk, (*Mephitis mephitis*), and raccoon (*Procyon lotor*). Snakes and lizards are the primary reptiles in this area. Representative species of reptiles are the gopher snake (*Pituophis melanoleucus*), longnose snake (*Rhinocheilus lecontei*), side-blotched lizard (*Uta*

Figure 3-2: Proposed New River Safety Barrier Project Area

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stansburiana), twin-spotted spiny lizard (*Sceloporus magister*), and longnose leopard lizard (*Gambelia wislizenii*).

Birds are typical of the desert environment and associated habitats. Species include the common ground dove (*Columbina passerina*), mourning dove (*Zenaida macroura*), California quail (*Callipepla californica*), burrowing owl (*Athene cunicularia hypugaea*), common poorwill (*Phalaenoptilus nuttallii*), black-throated sparrow (*Amphispiza bilineata*), American kestrel (*Falco sparverius*), red-tailed hawk (*Buteo jamaicensis*), and turkey vulture (*Cathartes aura*).

3.5 Protected Species

3.5.1 Federal

The Endangered Species Act (ESA) [16 U.S.C. 1532 et. seq.] of 1973, as amended, was enacted to provide a program for the preservation of endangered and threatened species and to provide protection for the ecosystems upon which these species depend for their survival. All Federal agencies are required to implement protection programs for designated species and to use their authorities to further the purposes of the act. Responsibility for the identification of a threatened or endangered species and development of any potential recovery plans lies with the Secretary of the Interior and the Secretary of Commerce.

The United States Fish and Wildlife Service (USFWS) is one of the primary agencies responsible for implementing the ESA. The USFWS is responsible for the protection of listed terrestrial and freshwater species. Additionally, the USFWS's responsibilities under the ESA include: (1) the identification of threatened and endangered species; (2) the identification of critical habitats for listed species; (3) implementation of research on, and recovery efforts for, these species; and (4) consultation with other Federal agencies concerning measures to avoid harm to listed species.

An endangered species is a species in danger of extinction throughout all or a significant portion of its range. A threatened species is a species likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Proposed species are those, which have been formally submitted to Congress for official listing as threatened or endangered. Species may be considered endangered or threatened when any of the five

following criteria occurs: (1) the current/imminent destruction, modification, or curtailment of their habitat or range; (2) overuse of the species for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; and (5) other natural or human-induced factors affect continued existence.

The USFWS currently list eight Federally protected species with the potential of occurring in Imperial County. Desert pupfish (*Cyprinodon macularius*), Colorado squawfish (*Ptychocheilus lucius*), razorback sucker (*Xyrauchen texanus*), peninsular bighorn sheep (*Ovis canadensis cremnobates*), and the Yuma clapper rail (*Rallus longirostris yumanensis*) are listed as endangered. Peirson's milk vetch (*Astragalus magdalenae var. peirsonii*) and the desert tortoise (*Xerobates agassizii*) are listed as threatened. No protected species were found during field surveys of the proposed sites.

3.5.1.1 Critical Habitat

The ESA also calls for the conservation of what is termed Critical Habitat - the areas of land, water, and air space that are essential for the conservation of the species. Critical habitat also includes such things as food and water, breeding sites, cover or shelter, and sufficient habitat area to provide for normal population growth and behavior. Section 7 of the Endangered Species Act restricts destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency. None of the proposed project locations are within Critical Habitat for any protected species.

3.5.2 State of California

The California Department of Fish and Game (CDFG) currently lists 10 additional state protected species within Imperial County. In addition to the species mentioned above, the state lists Algodones Dunes sunflower (*Helianthus niveus var. tephrodes*), western yellow-billed cockoo (*Coccyzus americanus occidentalis*), gilded flicker (*Colaptes chrysoides*), willow flycatcher (*Empidonax traillii*), Gila woodpecker (*Melanerpes uropygialis*), elf owl (*Micrathene whitneyi*), and Arizona Bell's vireo (*Vireo bellii arizonae*) as endangered. The Peninsular barefoot banded gecko (*Coleonyx switaki*) and California black rail (*Laterallus jamaicensis coturniculus*) are listed by the state as threatened. In addition to these species the state also lists the western burrowing owl (*Athene cunicularia*) and the Flat tailed horned lizard (*Phrynosoma mcalii*) as specie of special concern. A list of Federal and state protected species is presented in Table 3-3.

Table 3-3

Federal and State Protected Species Potentially Occurring within Imperial County

Common/Scientific Name	Federal Status	State Status
Algodones Dunes sunflower *Helianthus niveus* ssp. *tephrodes*		E
Peirson's milk-vetch *Astragalus magdalenae var. peirsonii*	T	E
Wiggins's croton *Croton wigginsii*		R
Colorado squawfish *Ptychocheilus lucius*	E	E
Desert pupfish *Cyprinodon macularius*	E	E
Razorback sucker *Xyrauchen texanus*	E	E
Peninsular Barefoot banded gecko *Coleonyx switaki*		T
Desert tortoise *Xerobates agassizii*	T	T
Arizona Bell's vireo *Vireo bellii arizonae*		E
California black rail *Laterallus jamaicensis coturniculus*		T
Elf owl *Micrathene whitneyi*		E
Western burrowing owl *Athene cunicularia*		SC
Flat tailed horned lizard *Phrynosoma mcallii*		SC
Gila woodpecker *Melanerpes uropygialis*		E
Gilded flicker *Colaptes chrysoides*		E
Yuma clapper rail *Rallus longirostris yumanensis*	E	T
Western yellow-billed cuckoo *Coccyzus americanus occidentalis*		E
Willow flycatcher *Empidonax traillii*		E
Peninsular bighorn sheep *Ovis canadensis nelsoni*	E	T

Source: California Department of Fish and Game- Natural Diversity Database (2003).
Legend: E=Endangered PT=Proposed Threatened
T=Threatened SC=Species of Special Concern
R= Rare

3.6 Unique and Sensitive Areas

Several unique or sensitive areas are found in or near Imperial County, California. These areas include national forests and parks, state forests, state wildlife management areas, and national points of interest. Some of these areas include the Algodone Sand Dunes, Yuha Desert Basin, Crucifixion Thorn Natural Area, and the Jacumba Wilderness Area. No unique or sensitive areas are located within the project boundaries.

3.7 Cultural Resources

Because little ethnographic and prehistoric archeological work has been conducted in the inland areas of Southern California in recent decades, Kroeber's landmark *Handbook of the Indians of California* (1925) remains the best general work for the project area. Moratto's (1984) review of the archeology of California contains important discussions of the prehistory of the region, as does Chartkoff and Chartkoff's (1984) similar review. More detailed discussions of the affected environment for cultural resources within the project area are contained in the February 2002 Final EA for Permanent Lighting Structures Near Calexico, California prepared for the USACE and is incorporated herein by reference (INS 2002).

Through earlier review of cultural resources within the project corridor a potentially eligible site for inclusion on the National Register of Historic Places (NHRP) was identified. This site CA-IMP-7130H consists of the All American Canal and associated features. Initial construction began on the canal in 1934; it was completed by 1940.

Although the project area is located near the All American Canal, no cultural resources would be affected due to the highly disturbed nature of the land within the project area. Previous disturbances include vehicle traffic, including that along the existing two-track road to be used as a maintenance road, grading, and other human related activities (i.e., foot traffic). A coordination letter requesting the SHPO's concurrence of no significant impacts has been submitted.

3.8 Socioeconomics

3.8.1 Population

The Region of Influence (ROI) for the infrastructure is Imperial County. The 2001 population of Imperial County was estimated to be 145,744 (U.S. Bureau of the Census 2003). This is an increase of 30.2 percent over the revised 1990 census population of 109,303 (CALMIS 2003).

The racial mix of Imperial County in 2000 was mainly comprised of Caucasians (49 percent) and people claiming to be some race other than Caucasian, African American, American Indian or Alaskan Native, Asian, or Native Hawaiian and other Pacific Islander (39 percent) with the remaining twelve percent split among African American, Asian and Pacific Islanders, and Native Americans. The majority of the total population (72 percent) claim to be of Hispanic origin. A smaller majority of the population in 1990 (66 percent) also claimed Hispanic origins (U.S. Bureau of the Census 2003).

3.8.2 Employment, Poverty Levels, and Income

The total number of jobs in the study area was 55,500 in 2001, which was a slight decline from 58,400 in 2000 (CALMIS 2003). The 2001 annual average unemployment rate for Imperial County was 21.3 percent. This is significantly higher than the unemployment rate for the state of California, which was 5.3 percent in 2001 (CALMIS 2003).

The 2001 annual total personal income (TPI) for the ROI was $2,615,235 (in thousands of dollars). This TPI ranked 34rd in the state of California and accounted for 0.2 percent of the state total (Regional Economic Information System 2003). The 1991 TPI was $1,817,822. The 1991-2001 average annual growth rate of TPI was 3.7 percent. This is lower than both the annual growth rate for the state of 5.4 percent and that for the Nation of 5.5 percent. Per capita personal income (PCPI) for Imperial County was $ 18,171 in 2001. This PCPI ranked 54th in the state, and was 56 percent of the state average, $32,655, and 60 percent of the national average, $30,413. The 1991 PCPI of Imperial County was $ 15,518 and the 1991-2001 average annual growth rate of PCPI was 1.6 percent. This growth rate was significantly lower than both the state's growth rate of 4.0 percent and the national growth rate of 4.3 percent. According to 1999 estimates, 22.6 percent of the population of Imperial

County is below poverty. This is significantly higher than the estimated 14.2 percent of the state population that lives in poverty (BEARFACTS 2003).

3.9 Hazardous Materials

The New River is highly contaminated and often considered to be one of the most contaminated rivers in the U.S. As mentioned in Section 3.3.1, the river is listed on the Section 303 (d) list of impaired waters for having the contaminants found in Table 3-3. Refer to Section 3.3.1 for more information regarding hazardous materials and the New River.

Conversely, the area surrounding the proposed border fence shows no signs of any hazardous materials. No visual evidence of hazardous materials or environmental liabilities, including odors, drums, stained soil, stressed vegetation, wastewater, wells, and/or septic tanks, were observed during the site visit.

3.10 Aesthetics

Aesthetic resources consist of the natural and man-made landscape features that appear indigenous to the area and give a particular environment its visual characteristics. The proposed project locations are highly disturbed and are located within agricultural and developed areas. Therefore, most of the aesthetic resources in the general area have been degraded due to existing land uses.

3.11 Noise

Noise is generally described as unwanted sound, which can be based either on objective effects (hearing loss, damage to structures, etc.) or subjective judgments (community annoyance). Sound is usually represented on a logarithmic scale with a unit called the decibel (dB). Sound on the decibel scale is referred to as a sound level. The threshold of human hearing is approximately 0 dB, and the threshold of discomfort or pain is around 120 dB.

Noise levels are computed over a 24-hour period and adjusted for nighttime annoyances to produce the day-night average sound level (DNL). DNL is the community noise metric recommended by the USEPA (USEPA 1972) and has been adopted by most Federal agencies (Federal Interagency Committee on Noise 1992). Throughout this analysis, all noise levels are expressed in dBA. Several examples of noise pressure levels in dBA are listed in Table 3-4. A DNL of 65 dB is the level most commonly used for noise planning purposes and represents a compromise between community impact and the need for activities like construction, which do cause noise. Areas exposed to DNL above 65 dBA are generally not considered suitable for residential use. A DNL of 55 dBA was identified by USEPA, as a level below which there is effectively no adverse impact (USEPA 1972). The proposed project corridor is located within agricultural or developed areas, therefore, noise levels generated by the construction equipment would be similar to the everyday noise of the farm equipment.

Table 3-4
A-Weighted (dBA) Sound Levels of Typical Noise Environments

dBA	Overall Level	Noise Environment
120	Uncomfortably Loud (32 times as loud as 70 dBA)	Military jet takeoff at 50 ft
100	Very loud (8 times as loud as 70 dBA)	Jet flyover at 1,000 ft
80	Loud (2 times as loud as 70 dBA)	Propeller plane flyover at 1,000 ft Diesel truck 40 mph at 50 ft
70	Moderately loud	Freeway at 50 ft from pavement edge Vacuum cleaner (indoor)
60	Relatively quiet (1/2 as loud as 70 dBA)	Air condition unit at 10 ft Dishwasher at 10 ft (indoor)
50	Quiet (1/4 as loud as 70 dBA)	Large transformers Small private office (indoor)
40	Very quiet (1/8 as loud as 70 dBA)	Bird calls Lowest limit of urban ambient sound
10	Extremely quiet (1/64 as loud as 70 dBA)	Just audible
0	Threshold of hearing	

SECTION 4.0
ENVIRONMENTAL CONSEQUENCES

4.0 ENVIRONMENTAL CONSEQUENCES

This section of the Preliminary Draft EA addresses potential impacts associated with the implementation of the alternatives outlined in Section 2.0. The design features of the proposed Safety Barrier and border fence were presented in Section 2.1. The largest single area that could be permanently impacted by the footprint of the border fence is 52,800 square feet (ft^2) or 1.2 acres, which would be the length of the fence 5 miles times the width of the fence (2 feet). As mentioned in Section 2.1.2, an existing two-track road parallels the proposed location of the border fence, which would be used during the construction of the fence as well as for a maintenance road when the construction is complete. The impacts associated with the use of the maintenance road would be minimal and insignificant due to the previously disturbed nature of proposed fence location. Furthermore, the Safety Barrier or fence would require very little maintenance activities. Any such activities would be mostly limited to minor patchwork repairs and standard maintenance operations, and therefore, would not have any significant negative impacts to the natural or human environment. The following paragraphs discuss the expected impacts from the construction of the border fence and Safety Barrier as a total project.

4.1 Land Use and Soils

4.1.1 Proposed Action Alternative

The Proposed Action Alternative would result in minor changes to land use along the proposed border fence alignment. It would change from disturbed lands to the proposed border fence. Land use near the Safety Barrier Bridge would remain in its current state and would not be affected.

Implementation of the proposed action would disturb a minimal amount of soils along the project corridor. Construction of the border fence and use of the existing two-track road as a construction access and maintenance road would permanently impact 1.2 acres of soils. However, the border construction would not significantly impact these soils due to their previously disturbed nature. No ground disturbance would be required for construction of the Safety Barrier. Thus, the impacts to soils by the Proposed Action Alternative would be minimal and less than significant.

4.1.2 No Action Alternative

With the implementation of the No Action Alternative there would be no impacts to soils because no fence or Safety Barrier would be constructed; however, the USBP would not be as effective in apprehending illegal entrants and illegal foot traffic would continue at its current level and probably increase. The continuation of illegal traffic and consequent enforcement activities has the potential of adversely impacting soils in the project corridor. Land use would continue, as it currently exists under the No Action Alternative.

4.2 Air Quality

4.2.1 Proposed Action Alternative

Imperial County is located within EPA's Region 9 and is currently in non-attainment for particulates (PM_{10}) and ozone (EPA 2002). Construction activities would be limited to pouring concrete, installation of the landing mat fence and reinforcement poles, attaching the barrier to the Safety Barrier Bridge, and building of a chain link fence. The short duration of these activities, the type of equipment used, and the good dispersion patterns of the region, indicate that air emissions would not be created that would adversely affect air quality in Imperial County. Maintenance vehicles (which would travel along an existing two-track patrol road) would be the only emission source required by the operation and maintenance of the border fence and Safety Barrier.

4.2.2 No Action Alternative

The region's air quality would not be directly affected by the implementation of the No Action Alternative. Without the border fence and Safety Barrier, however, additional patrol activities would be required, which could exacerbate fugitive dust emissions and the resultant PM_{10} problems within the region. The magnitude of these effects would depend upon several variables including number of additional patrol vehicles, climatic conditions, and vehicle trips.

4.3 Water Resources

4.3.1 Proposed Action Alternative

Surface waters in the area include the All American Canal, the New River, which runs near the western edge of Calexico, and the Alamo River, located approximately six miles east of

Calexico. The Safety Barrier is to be used to stop illegal entry via the New River, which is classified as Waters of the U.S. by the USACE. The Safety Barrier will be constructed so that the bed of the river would not be disturbed upon barrier activation. The New River in Imperial County is not considered navigable waters pursuant to Section 10 of the Rivers and Harbors Act of 1899, thus a Section 10 permit is not warranted for this project (Appendix C) (Dean 2003). As mentioned in Section 2.1, the barrier would be in an upright position until illegal aliens are spotted in the river, which will allow the river to flow unimpeded. A potential jurisdictional wetland is located adjacent to the proposed border fence but construction of the border fence would not require fill or dredge activities within the wetland area. In addition, this wetland would be flagged to ensure avoidance by construction crews. Thus, no Waters of the U.S. or wetlands would be significantly impacted upon implementation of the Proposed Action Alternative.

Proper maintenance of construction equipment and best management practices during construction activities would minimize the possibility of accidental spills of fuels or lubricants that, if they occurred, could affect surface and ground water quality. Operation and maintenance of the Safety Barrier and border fence would have no effect on the region's surface or groundwater supplies and/or quality.

4.3.2 No Action Alternative

No direct impacts to the water quality of the region's surface or groundwater supplies would occur under the No Action Alternative. However, additional patrols would be required to monitor the same area, which could indirectly result in effects to waterbodies and wetlands by increasing erosion/sedimentation.

4.4 Natural Resources

4.4.1 Proposed Action Alternative

The Proposed Action Alternative would directly impact 1.2 acres for the construction of the border fence. The Safety Barrier would not require ground disturbance, thus it would have no significant effects to the region's natural resources.

Very little vegetation exists at the proposed fence and Safety Barrier locations; in fact, most of the area is completely devoid of vegetation due to past and on-going human disturbances

(Figure 3-1 and 3-2). Therefore, negligible direct effects to the region's vegetation and wildlife habitat would occur from the construction and operation of the fence and Safety Barrier. Indirect impacts to wildlife and vegetation would occur as illegal aliens and smugglers try to avoid the area with the border fence. These impacts, however, are not quantifiable because these activities are totally at the illegal alien and smugglers' discretion. Pictures of the proposed sites are located in Appendix A.

Since the area is already disturbed or developed, and thus, is not suitable as wildlife habitat, less-than-significant impacts to wildlife in the project corridor are expected upon implementation of the Proposed Action Alternative. Much of the wildlife within the corridor would likely escape to adjacent lands but there is a possibility that the trans-boundary migration patterns of larger animals would be hindered or halted near where the border fence would be positioned. Once the Safety Barrier and border fence are installed, the operation and maintenance of these infrastructure systems would have no effect on the region's wildlife.

4.4.2 No Action Alternative

Under the No Action Alternative no border fence or Safety Barrier would be erected thus the continuation (and the possible increase) of illegal foot traffic would continue to impact vegetation within the project corridor. Impacts to wildlife would occur as a result of the continued disturbances made to these vegetative communities.

4.5 Protected Species

4.5.1 Proposed Action Alternative

No threatened or endangered species or their habitats were observed within the project area during the biological survey and reconnaissance surveys performed for this project (September 2003) or during past surveys in the project area (INS 2002 and U.S. Army 1997). The project area is not within critical habitat for any species. Therefore, no direct impacts to threatened or endangered species would be expected upon implementation of the Proposed Action Alternative.

Indirect beneficial impacts to threatened and endangered species in the region will occur from the implementation of the Proposed Action Alternative, caused by the reduction of

illegal traffic through the enhancement of illegal alien apprehensions. Indirect adverse effects, such as disturbances to vegetation and wildlife from the creation of illegal alien trails, could occur to the areas surrounding the project corridor. The Yuha Basin Area of Critical Environmental Concern (ACEC) (west of the project corridor) could be indirectly affected by illegal aliens attempting to avoid the border fence. The magnitude of these effects cannot be determined at the present, since the routes selected by illegal aliens and smugglers are at their discretion and out of the control of the USBP. However, the Yuha Desert Basin and the areas west of the project corridor would be monitored by USBP to alleviate any indirect effects from illegal aliens trying to avoid the fenced areas.

4.5.2 No Action Alternative

Implementation of the No Action Alternative would not provide the necessary deterrence needed to maintain or reduce the number of illegal entry attempts via the New River or west of the existing border fence. Continuation (and the possible increase) of illegal foot traffic would continue to impact vegetation within the region. Synergistic adverse impacts to wildlife would occur as a result of disturbances to vegetation communities.

4.6 Unique and Sensitive Areas

4.6.1 Proposed Action Alternative

With the implementation of the Proposed Action Alternative, no unique or sensitive areas would be directly impacted. The proposed border fence and its associated maintenance road is in a disturbed area while the Safety Barrier would be constructed in a developed area. Indirect adverse effects, such as disturbances to unique and sensitive areas from the creation of new illegal alien trails, could occur to the lands surrounding the project corridor. The Yuha Basin Area of Critical Environmental Concern (ACEC) (west of the project corridor) could be indirectly affected by illegal aliens attempting to avoid the newly created fence. The magnitude of these effects cannot be determined at the present, since the routes selected by illegal aliens and smugglers are at their discretion and out of the control of the USBP. However, these areas and the areas immediately west of the project corridor would be monitored by USBP to alleviate any indirect effects from illegal aliens trying to avoid the barrier fence.

4.6.2 No Action Alternative

There were no unique and sensitive areas within the proposed project area therefore no impacts would occur. However, the continuation of illegal foot traffic in addition to the increased USBP patrols, which would be necessary to monitor the same area, could indirectly result in effects to unique and sensitive areas within the region.

4.7 Cultural Resources

4.7.1 Proposed Action Alternative

No cultural resources are present within the project area. Therefore, implementation of this alternative would not affect any historic or prehistoric cultural resources. Furthermore, general operation and maintenance of the border fence and Safety Barrier would have no effect on cultural resources since maintenance access will occur along an existing two-track patrol road. However, if any cultural resources or human remains are encountered during the construction, all work shall cease in the immediate vicinity of the discovery and a qualified archaeologist and the California State Historic Preservation Officer (SHPO) shall be contacted to assess significance and determine appropriate mitigation measures.

The Yuha Basin Area of Critical Environmental Concern (ACEC) (west of the project corridor) could be indirectly affected by illegal aliens attempting to avoid the newly created border fence. The magnitude of these effects cannot be determined at the present time, since the routes selected by illegal aliens and smugglers are at their discretion and out of the control of the USBP. However, these areas and the areas immediately surrounding the project corridor would be monitored by USBP to alleviate any indirect effects from illegal aliens trying to avoid the fence areas.

4.7.2 No Action Alternative

The No Action Alternative would have no direct effect on cultural resources. Reductions in the USBP's ability to gain and maintain control of the border, however, would allow illegal entrants to continue to walk through undisturbed areas surrounding Calexico. This illegal traffic could have adverse indirect impacts upon the region's cultural resources, many of which have not yet been discovered. The potential magnitude of such effects, therefore, is unknown.

4.8 Socioeconomic Resources

4.8.1 Proposed Action Alternative

JTF-6 units or private contractors from outside the region will provide the labor for this alternative resulting in only temporary increases in the population of the project area. Materials and other project expenditures would also be obtained from outside the region, providing little or no temporary direct economic benefits. No displacement of people in the region would result from this action and, therefore, there will be no direct impacts to the area's housing.

Some indirect, beneficial impacts would occur as a result of the installation of the Safety Barrier and border fence. A reduction in illegal drug and alien traffic would have synergistic socioeconomic benefits associated with insurance costs, property losses, law enforcement expenses, and other social costs (i.e., drug rehabilitation, medical expenses, and labor opportunities).

4.8.2 No Action Alternative

Under the No Action Alternative, the current illegal foot traffic, and other illegal activity would continue resulting in a continuation of high insurance costs, property losses, law enforcement expenses, and other social costs (i.e., drug rehabilitation, medical expenses, and labor opportunities).

4.8.3 Environmental Justice/Protection of Children from Health and Safety Risks

4.8.3.1 E.O. 12898

4.8.3.1.1 Proposed Action Alternative

Executive Order 12898 of February 11, 1994, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" requires each Federal agency to identify and address, as appropriate, disproportionate adverse effects of its proposed actions on minority populations and low-income communities. There would be no increases in population as a result of the proposed action. The project corridor is located in an agricultural and developed area away from any residential structures, and therefore, would not impact housing or minority populations. The benefits to overall socioeconomics in the region from increased detection, deterrence, and interdiction of illegal aliens and illegal drug smuggling activities would result from the implementation of the Proposed Action

Alternative. The project would beneficially affect the entire ROI regardless of race and/or income level.

4.8.3.1.2 No Action Alternative

Under the No Action Alternative, the baseline conditions would remain the same and the current illegal alien activity and foot traffic would continue. However, no significant impacts would occur from the implementation of the No Action Alternative.

4.8.3.2 E.O. 13245

4.8.3.2.1 Proposed Action Alternative

Executive Order 13245 of December 18, 2001, "Providing an Order Succession within the Department of Labor" requires each Federal agency to identify and address, as appropriate, disproportionate adverse effects of its proposed actions on environmental health or safety impacts to minority or low-income populations or children. The actions proposed in this EA would not result in disproportionately high or adverse environmental health or safety impacts to minority or low-income populations or children (E.O. 13045). This conclusion is based on the fact that no significant adverse environmental effects have been identified for any resource area or population (minority, low-income, children, or otherwise) analyzed in this EA. Construction would be conducted in an agricultural and developed area, away from residential areas, which would preclude any impacts to the environmental health or safety of children. Furthermore, increased detection, deterrence and interdiction of illegal aliens and illegal drug trafficking in the area would result in a safer environment for children overall.

4.8.3.2.2 No Action Alternative

Under the No Action Alternative, baseline conditions would not change. The current illegal foot traffic, and other illegal activity would continue. No significant impacts would occur as a result of the No Action Alternative.

4.9 Hazardous Materials

4.9.1 Proposed Action Alternative

No hazardous materials were observed during field surveys although an environmental site assessment, in accordance with ASTM standards, was not performed as part of job task. Therefore, construction and maintenance activities should not be hindered by the presence

of hazardous material contamination. The potential exists that motor oil, gasoline, diesel, and other hazardous materials could be accidentally released during the construction process. The use of proper work habits, frequent vehicle inspections, and careful handling of hazardous materials would minimize the possibility of either leaks or spills. Similar management practices would eliminate the chance of leaks or spills of hazardous materials (fuels and lubricants) during the maintenance of the Safety Barrier and border fence.

4.9.2 No Action Alternative

The No Action Alternative would not increase or decrease hazardous wastes in the region.

4.10 Aesthetics

4.10.1 Proposed Action Alternative

Evaluation of the area indicates that this project is on a level comparable with future development trends. Because of the existing disturbances surrounding the Safety Barrier Bridge and border fence, no further degradation of aesthetic values would be expected from the implementation of the Proposed Action Alternative.

4.10.2 No Action Alternative

Under the No Action Alternative, baseline conditions would not change. Existing disturbances would continue to degrade aesthetics surrounding the Safety Barrier Bridge and border fence.

4.11 Noise

4.11.1 Proposed Action Alternative

Implementation of this alternative would result in temporary increases in ambient noise levels immediately adjacent to the proposed sites during construction. Noise levels created by construction equipment would vary greatly depending on factors such as the type and the specific model of equipment, the operation being performed, and the condition of the equipment. The equivalent sound level of the construction activity also depends on the fraction of time that the equipment is operated over the time period of the construction. Construction activities as a result of this alternative would produce only short-term noise

level increases. All construction activities would take place during daylight hours. Therefore, no significant noise impacts will occur from project construction.

4.11.2 No Action Alternative

No direct impacts, beneficial or adverse, would occur to ambient noise levels as a result of the No Action Alternative. Noise generated by USBP vehicles would remain at the same levels within the Calexico area.

SECTION 5.0
ENVIRONMENTAL DESIGN MEASURES

5.0 ENVIRONMENTAL DESIGN MEASURES

This chapter describes environmental design measures that would be implemented as part of the Proposed Action to reduce or eliminate impacts from the Safety Barrier and border fence installation. Due to the limited nature of the Proposed Action, construction impacts are expected to be slight; therefore, mitigation measures are only described for those resources with potential for impacts.

5.1 Water Resources

The single wetland that is located within the project corridor adjacent to the All American Canal yet outside of the construction footprint will be flagged for avoidance prior to construction to ensure that no damage is done to the wetland. In addition, proper maintenance of construction equipment and best management practices during construction activities will be used to minimize the possibility of accidental spills of fuels or lubricants that, if they occurred, could affect surface and ground water quality.

5.2 Air Quality

In order to minimize the amount of project-related dust emissions, the following management practices shall be implemented during project construction: (1) minimize land disturbance; and (2) water trucks shall be used to wet exposed areas and control emissions of fugitive dust caused by grading and hauling activities and vehicular travel on unpaved road surfaces. In addition, all construction equipment shall be maintained and operated in a manner that produces the least amount of emissions and maintains the lowest possible noise levels. Standard noise attenuation equipment, such as mufflers, must be used on all construction equipment and vehicles and must be maintained in good operating condition, free from leaks and holes.

SECTION 6.0
CUMULATIVE IMPACTS

6.0 CUMULATIVE IMPACTS

This section of the EA addresses the cumulative impacts associated with the proposed border fence and Safety Barrier project and other projects/programs that are planned for the region. Following a general discussion regarding cumulative effects that would be expected irrespective of the alternative selected, the various resources that would be impacted are addressed within each alternative discussion.

The USBP is in the process of the installation of vehicle barriers within the region as well as Remote Video Surveillance systems. These actions have been closely coordinated with the U.S. Fish and Wildlife Service, Bureau of Land Management, Native American Nations, the SHPO, and other appropriate Federal and state agencies to ensure that sensitive resources are avoided to the extent practicable.

Also, according to the Planning Division of the City of Calexico several new commercial, housing, and industrial developments are in the planning process and are expected to be completed in the future. Specifically, an International Center is being planned for development near the intersection of Jasper Street and Highway 111 in the City of Calexico. In addition, an annex of land into the City of Calexico is being proposed near the All American Canal. This proposed annex is located along the eastern edge of the City of Calexico and will be developed as a housing, commercial, and industrial area. This development is expected to permanently impact 640 acres of land (Ayala 2001). A shopping center is also being planned for construction near the junction of Highway 98 and Highway 111 in Calexico. This new center is estimated to impact about 25 acres. In conjunction with these new developments the U.S. General Services Administration proposes to improve, through renovation and expansion, the operational capacity, and security of the Calexico West Border Station. The current plans are to establish new commercial and private vehicle processing facilities, pedestrian processing facilities, and administration buildings. In conjunction with the new facilities new roads would be built between the different buildings and the proposed traffic routes. The facilities would be located within the same general area, as they currently exist. The addition of a 14-acre tract, which used to be the U.S. Customs Port, would be used to house the new pedestrian processing facilities. Other privately owned lands would also be purchased from adjacent landowners to facilitate the proposed new port. The New River, which is located within the old U.S. Customs Port,

would be covered by the new pedestrian processing facility. This would be done through the use of concrete box culverts. The culverts would begin at the international border and continue north for the duration of the Port facilities. Upon exiting the Port grounds the river would return to its natural earthen banks. Implementation of these developments would result in additional impacts to noise, wildlife, vegetation, air quality, water resources, and land use.

6.1 Proposed Action

Implementation of the Proposed Action Alternative would increase the amount of soil disturbance and construction activity required to complete this project. The proposed border fence and Safety Barrier sites are nearly void of vegetation; thus the Proposed Action Alternative would not have significant cumulative impacts to either vegetation or wildlife. Indirect beneficial effects to wildlife and vegetation within the project corridor could occur due to the reduced numbers of USBP agents needed to monitor the same area and the reduction of illegal foot traffic. At the same time negative indirect impacts could also occur to wildlife and vegetation within the surrounding areas as illegal aliens could possibly shift their migration patterns away from the Safety Barrier and border fence areas.

As seen previously in Table 1.1 the number of illegal aliens entering into USBP El Centro Sector dramatically increased after 1997, which coincides with operations in San Diego and Yuma Sectors that provided tighter controls. As mentioned previously, USBP tactics such as increased infrastructure has helped reduce the number of illegal entries within several USBP sectors. The actual reduced amount of illegal entries is not quantifiable. The proposed action would allow for the USBP to more effectively patrol a larger area and aid significantly in the swift apprehension or rescue of illegal entrants and smuggler's. Continued USBP patrols would reduce indirect effects to sensitive areas, vegetation, and wildlife populations. The ability of the USBP to deter illegal aliens from entering the U.S. via the New River would safeguard not only the illegal aliens but also the USBP agents themselves. Lives have been lost because persons were not adequately prepared for the swift currents of the river; the possibility of other deaths to occur would increase as people take greater chances. However, the detection and apprehension mission of the USBP has evolved to include the cooperation and coordination with other emergency services to rescue illegal entrants

before they get into life-threatening situations. In fact, such rescues have become a daily occurrence along the border.

6.2 No Action

The No Action Alternative would result in no additional direct effects to the area's resources. No threatened or endangered species, critical habitat, or cultural resources have been affected. There has not been any adverse effects on cultural resources sites or historic structures listed or potentially eligible for listing on the NRHP due to USBP activities, based upon past NEPA documents. Air quality within the region would not incur any direct additional impacts, as no construction activities would take place under this alternative.

Long-term indirect cumulative effects have occurred and would continue to occur due to public and private activities and developments. However, these effects, both beneficial and adverse, are difficult, if not impossible, to quantify. Reductions in habitat have undoubtedly created inter- and intra-species competition for available food and shelter and, eventually, slight reductions in some wildlife populations. Increased USBP enforcement activities would increase the potential for some wildlife species to be accidentally hit and killed. Such losses would not be expected to result in significant reductions to the populations.

Positive cumulative benefits have resulted from BCBP activities as well. Additional knowledge regarding threatened or endangered species' locations, distribution, and life requisites has been obtained through surveys and monitoring efforts associated with USBP construction projects.

SECTION 7.0
PUBLIC INVOLVEMENT

7.0 PUBLIC INVOLVEMENT

7.1 Agency Coordination

This chapter discusses consultation and coordination that has occurred during preparation of the draft version of this document. This includes contacts that were made during the development of the proposed action and writing of the EA. Formal and informal coordination was conducted with the following agencies:

- U.S. Fish and Wildlife Service (USFWS)
- Natural Resource Conservation Service (NRCS)
- California State Historic Preservation Office (SHPO)
- California Department of Fish and Game (CDFG)
- Imperial Irrigation District (IID)

7.2 Public Review

This Draft EA was made available for public review, and the Notice of Availability (NOA) was published in local newspapers on 27 October 2003. Exhibit 1 is a copy of the NOA that was published for the draft document. All correspondence sent or received during the preparation of this EA is included as Appendix C.

7.3 Comments on Draft EA and Responses

The following are the comments received during the public review period. Responses to all comments received are also included.

7.3.1 County of Imperial Public Health Department – Division of Environmental Health

Comment 1: Although the applicant (U.S. Border Patrol) indicates the lowering of the barrier would occur upon the detection of illegal alien activity in the river. During high trafficking activities (illegal alien, drug, etc.) is there a greater potential the barrier would remain in the down position for extended periods of time?
Response 1: Since USBP is not able to predict high trafficking events (illegal alien, drug or potential terrorist crossing activities) they are not able to accurately predict the amount of time the barrier would be in the lowered position. However, the barrier and the river would be under surveillance 24 hours a day, 365 days a year and would only be lowered as a deterrent to those attempting to illegally enter the U.S.

Comment 2: Table 3-2 depicts the medium Total Maximum Daily Load (TMDL) priority for the solid waste (trash) in the New River. The assessment does not discuss how solid waste would be managed if trapped/captured by the barrier. Please explain how solid waste accumulated from the barrier in the lowered position would be properly managed.
Response 2: The conceptual design of the safety barrier structure is such that water and smaller objects will pass uninhibited through the barrier. Larger objects will only be temporarily halted by the upstream water flow but only while the barrier is in the down position. Once the barrier is raised to the upper most position larger objects will be allowed to pass. In the unlikely event that any object adheres to the spaces between the circular shaped barrier tubes a long pole could be used to dislodge any material back into the flowing river.

Comment 3: Page 1-5, Item 1.3, discusses the potential health risks associated with the effluent in the New River. The assessment further defines potential contaminates in the New River to include heavy metals from industrial wasters from factories in Mexicali such as mercury and arsenic. If the U.S. Border Patrol plans to manage the solid waste accumulated by the proposed safety barrier, explain how the solid waste would be properly characterized in order to ensure proper disposal.
Response 3: Since the conceptual design of the bridge barrier and its ability to be raised and lowered does not promote nor sustain the build up of solid waste material the USBP does not feel there will be any solid waste material present that will need to be characterized and therefore disposed of.

7.3.2 California Department of Fish and Game

Comment 1: Table 3-3 on page 3-11 of the document fails to list the western burrowing owl (*Athene cunicularia*) and the Flat-tailed horned lizard (*Phrynosoma mcallii*) as being species of special concern.
Response 1: Your comment has been noted and both the burrowing owl and Flat-tailed horned lizard have been added to Table 3-3 as a California species of special concern.

Comment 2: The Department recommends that burrowing owl and Flat-tailed lizard surveys be conducted along the right-of-way for the border fence.
Response 2: As mentioned in the Draft EA (Sections 3.0 and 4.5), biological surveys were completed within the proposed project location. During these surveys any and all species observed or possible habitat was recorded. However, neither individuals nor habitat that could support these species were observed thus resulting in a negative finding for any protected species.

7.3.3 Imperial Irrigation District

Comment 1: The proposed 5-mile fence south of the All American Canal would require an encroachment permit form the Bureau of Reclamation. The person to contact regarding this matter is Mr. Roy Romines, Bureau of Reclamation, Yuma Area Office, Calle Agua Salada, Yuma, AZ 85364.
Response 1: The USBP will obtain the proper permits prior to any construction activities on the proposed border fence.

Comment 2: IID's preference would be to build the new Border Fence along the same or similar alignment as the existing fence to the east. Cross section drawings showing the proposed fence location should be submitted to IID for review and comment.
Response 2: As part of the permitting process, drawings and maps will be submitted to IID for review and comment.

Comment 3: During the construction of the 5-miles fence, IID operation and maintenance activities must not be hampered by the construction activities.
Response 3: Construction activities will not in any manner hamper IID operation or maintenance activities. We will make every effort to coordinate all construction activities, in advance, with the IID.

Exhibit 1

NOTICE OF AVAILABILITY

FINAL ENVIRONMENTAL ASSESSMENT
U.S. DEPARTMENT OF HOMELAND SECURITY
Proposed New River Safety Barrier and Border Fence Project
Calexico, California

The public is hereby notified of the availability of the Final Environmental Assessment (EA) for the Department of Homeland Security's proposed installation and operation of a Safety Barrier across the New River and 5 miles of new border fence in Calexico, Imperial County, California. The Final EA will be available for review at the Calexico Library –850 Encinas Avenue, Calexico, CA 92231, (760) 768-2170. The Final EA will also be available for review and downloading on the U.S. Army Corps of Engineers Website: http://ins.swf.usace.army.mil/. For additional information, please contact Mr. Bobby Shelton, U.S. Army Corps of Engineers, Environmental Resources Branch, Room 3A14, P.O. Box 17300, Fort Worth, TX 76102-0300 or call Mr. Shelton at (817) 886-1711.

SECTION 8.0
LIST OF PREPARERS

8.0 LIST OF PREPARERS

The following people were primarily responsible for preparing this Environmental Assessment.

NAME	AGENCY/ORGANIZATION	DISCIPLINE/EXPERTISE	EXPERIENCE	ROLE IN PREPARING EA
Joe Lamphear	Department of Homeland Security	NEPA	13 years Environmental Management & Review	EA review
Bobby Shelton	USACE Fort Worth District	Environmental Engineering	18 years Environmental Management and Review	EA review and Project Management
Ramon Riesgo	U.S. General Services Administration	Aerospace Engineering	10 years Transportation Management	GSA Coordinator
Patience Patterson	USACE Fort Worth District	Archeology	29 years in archaeology and cultural resource management	Cultural Resources Manager
Chris Ingram	Gulf South Research Corporation	Biology/Ecology	24 years NEPA and related studies	EA review
Suna Knaus	Gulf South Research Corporation	Forestry and Wildlife	14 years NEPA and related studies	EA review
Josh McEnany	Gulf South Research Corporation	Forestry and Wildlife	3 year NEPA and related studies	Project Manager
David Alford	Gulf South Research Corporation	GIS	2.5 years of GIS	Design and Create Figures
Eric Webb	Gulf South Research Corporation	Biology/Ecology	12 years NEPA and related studies	EA review

SECTION 9.0
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9.0 REFERENCES

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SECTION 10.0
LIST OF ACRONYMS/ABBREVIATIONS

10.0 LIST OF ACRONYMS/ABBREVIATIONS

ACEC	Area of Critical Environmental Concern
AO	Area of Operation
CSHPO	California State Historic Preservation Office
CO	Carbon monoxide
CDFG	California Department of Fish and Game
CO_2	Carbon dioxide
EA	Environmental Assessment
EPA	Environmental Protection Agency
ESA	Endangered Species Act
Ft_2	Feet square
FY	Fiscal Year
IID	Imperial Irrigation District
INA	Immigration Nationality Act
INS	Immigration and Naturalization Service
JTF-6	Joint Task Force Six
$\mu g/m^3$	Micrograms per cubic meter
mg/m^3	Milligrams per cubic meter
NA	Not Applicable
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act of 1969
NO	Nitrogen Oxide
NOA	Notice of Availability
NO_2	Nitrogen Dioxide
NRHP	National Register of Historic Places
O_3	Ozone
OAQPS	Office of Air Quality Planning and Standards
$PM_{2.5}$	Particulate matter 2.5
PM_{10}	Particulate matter 10
PCPI	Per Capita Personal Income
Pb	Lead
POE	Port of Entry
ppm	Parts per million
ROI	Region of Influence
RVS	Remote Video Surveillance
SHPO	State Historic Preservation Office
$S0_2$	Sulfur dioxide
TPI	Total Personal Income
USACE	U.S. Army Corps of Engineers
USBP	U.S. Border Patrol
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service

APPENDIX A
SITE PHOTOGRAPHS

Photograph 1. This photo is of the International border from the western edge of the proposed 5-miles of border fence facing east.

Photograph 2. Potential jurisdictional wetland and the proposed border fence area facing East.

Photograph 3. Facing south looking towards proposed border fence area with typical vegetation.

APPENDIX B
FORM AD 1006

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*

Name Of Project: New River Safety Fence
Proposed Land Use: Fence
Date Of Land Evaluation Request: 9-16-03
Federal Agency Involved: U.S. Border Patrol
County And State: Imperial, CA

PART II *(To be completed by NRCS)*

Date Request Received By NRCS: 9-17-03

Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply – do not complete additional parts of this form) Yes ☒ No ☐

Acres Irrigated: 437,896 Average Farm Size: 379

Major Crop(s): Alfalfa, Sudan, Vegetables
Farmable Land In Gov. Jurisdiction: Acres: 459,386 % 17.2
Amount Of Farmland As Defined in FPPA: Acres: 519,449 % 19.4
Name Of Land Evaluation System Used: CA Storie Index
Name Of Local Site Assessment System: None
Date Land Evaluation Returned By NRCS: 10-14-03 S.C.

PART III *(To be completed by Federal Agency)*

	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	1.2			
B. Total Acres To Be Converted Indirectly				
C. Total Acres In Site	1.2			

PART IV *(To be completed by NRCS)* Land Evaluation Information

A. Total Acres Prime And Unique Farmland	.12			
B. Total Acres Statewide And Local Important Farmland	1.08			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	.0000026			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	DATA NOT Available			

PART V *(To be completed by NRCS)* Land Evaluation Criterion

Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)	28	0	0	0

PART VI *(To be completed by Federal Agency)*

Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))	Maximum Points				
1. Area In Nonurban Use					
2. Perimeter In Nonurban Use					
3. Percent Of Site Being Farmed					
4. Protection Provided By State And Local Government					
5. Distance From Urban Builtup Area					
6. Distance To Urban Support Services					
7. Size Of Present Farm Unit Compared To Average					
8. Creation Of Nonfarmable Farmland					
9. Availability Of Farm Support Services					
10. On-Farm Investments					
11. Effects Of Conversion On Farm Support Services					
12. Compatibility With Existing Agricultural Use					
TOTAL SITE ASSESSMENT POINTS	160	0	0	0	0

PART VII *(To be completed by Federal Agency)*

Relative Value Of Farmland (From Part V)	100	0	0	0	0
Total Site Assessment (From Part VI above or a local site assessment)	160	0	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	0	0	0	0

Site Selected: Date Of Selection: Was A Local Site Assessment Used? Yes ☐ No ☐

Reason For Selection:

(See Instructions on reverse side)

This form was electronically produced by National Production Services Staff

Form AD-1006 (10-83)

APPENDIX C
CORRESPONDENCE

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

October 1, 2003

Planning, Environmental, and Regulatory Division

SUBJECT: Request for Consultation on the New River Safety Barrier Project

Mr. Bill Tippets
Environmental Program Manager
California Department of Fish and Game
4949 Viewridge Avenue
San Diego, CA 92123

Dear Mr. Tippets:

The U.S. Army Corps of Engineers, Fort Worth District (USACE) on behalf of the U.S. Border Patrol (USBP) intends to prepare an Environmental Assessment (EA) addressing the proposed installation and operation of the New River Safety Barrier and 5-miles of border barrier fence located in Calexico, California. This project consists of construction of the Safety Barrier across the New River along an unused existing bridge located approximately 200 feet north of the U.S./Mexico border within the old U.S. Customs Inspection Port. Construction of 5-miles of border fence would begin at the western rim of the existing border fence extending west to Jackson's Ranch. Attached you will find the following: a portion of the Heber, Mt. Signal, and Calexico 7.5 minute U.S.G.S. quadrangle identifying the proposed project sites and aerial photography of the sites.

The Safety Barrier is a retractable gate style fence made of aluminum fingers that would be adjusted to the depth of the channel bottom inhibiting illegal traffic flow through the river. The barrier would be engaged upon the detection of undocumented alien (UDA) activity in the river by USBP agents. As the UDAs were apprehended or turned back the barrier would be disengaged allowing it to remain up until it is activated again. Two exit ramps would be located adjacent to the Safety Barrier along the banks of the New River to assist any UDAs that were unable to exit the river using its banks. Permanent lighting structures, one or two stadium style lights, would also be installed to assist in deterring and detecting UDAs as they attempt to illegally enter the U.S. via the river. Since the barrier is to be placed along the bridge, no ground disturbance within the river channel will be necessary. The construction of the Safety Barrier includes the installation of chain link fence from the international border to the existing bridge along the outer banks of the New River.

The border fence would be constructed in the same manner as the existing border barrier, using a landing mat style fence. The proposed area for construction of the border barrier has been previously highly disturbed and is essentially void of vegetation. However, minimal vegetation clearing would be necessary to complete this portion of the project.

We are currently in the process of gathering the most current information available regarding Federally and State listed species potentially occurring within the Calexico area. A current list of Federal and State threatened or endangered species that potentially occur in

Imperial County is included as Attachment A. Please review this list for accuracy and completeness. The USACE respectfully requests that your agency provide a list and/or description of the sensitive resources (e.g., protected species, state management areas, unique plant communities, etc.) that you believe may be affected by the proposed maintenance activities in the project area. We intend to provide your agency with a copy of the Draft EA once it is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft EA.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Bobby Shelton of my staff at (817) 886-1711.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental, and
Regulatory Division

Attachment

Copies Furnished:

Mr. Kevin Feeney
HQ, Department of Homeland Security
425 I Street, RM 2060
Washington D.C 20536

Mr. Joe Lamphear
Regional Environmental Officer
DHS Western Region
P.O. Box 30080
Languna Niguel, California 92677

Attachment A
List of Federal and State Protected Species
Potentially Occurring in Riverside County, California

Common/Scientific Name	Federal Status	State Status
Yuma clapper rail *Rallus longirostris yumanensis*	E	T
California black rail *Laterallus jamaicensis coturniculus*	SC	T
Western yellow-billed cuckoo *Coccyzus americanus occidentalis*		E
Colorado squawfish *Ptychocheilus lucius*	E	E
Peninsular barefoot banded gecko *Coleonyx switaki*		T
Elf owl *Micrathene whitneyi*		E
Gila woodpecker *Melanerpes uropygialis*		E
Gilded flicker *Colaptes chrysoides*		E
Desert pupfish *Cyprinodon macularius*	E	E
Willow flycatcher *Empidonax traillii*		E
Arizona bell's vireo *Vireo bellii arizonae*		E
Desert toroise *Xerobates agassizii*	T	T
Peninsular Bighorn Sheep *Ovis Canadensis nelsoni DPS*	E	T
Razorback Sucker *Xyrauchen texanus*	E	E
San Diego Button Celery *Eryngium aristulatum Var parishii*	E	E
Algodones Dunes sunflower *Helianthusniveus spp. tephrodes*		E
Peirson's milk-vetch *Astragalus magdalenae var peirsonii*	T	E

E=Endangered
T=Threatened
SC= Species of Concern

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

October 1, 2003

Planning, Environmental, and Regulatory Division

SUBJECT: Request for Consultation on the New River Safety Barrier Project

Mr. Jim Bartel
U.S. Fish and Wildlife Service
2730 Loker Avenue West
Carlsbad, California 94244

Dear Mr. Bartel:

The U.S. Army Corps of Engineers, Fort Worth District (USACE) on behalf of the U.S. Border Patrol (USBP) intends to prepare an Environmental Assessment (EA) addressing the proposed installation and operation of the New River Safety Barrier and 5-miles of border barrier fence located in Calexico, California. This project consists of construction of the Safety Barrier across the New River along an unused existing bridge located approximately 200 feet north of the U.S./Mexico border within the old U.S. Customs Inspection Port. Construction of 5-miles of border fence would begin at the western rim of the existing border fence extending west to Jackson's Ranch. Attached you will find the following: a portion of the Heber, Mt. Signal, and Calexico 7.5 minute U.S.G.S. quadrangle identifying the proposed project sites and aerial photography of the sites.

The Safety Barrier is a retractable gate style fence made of aluminum fingers that would be adjusted to the depth of the channel bottom inhibiting illegal traffic flow through the river. The barrier would be engaged upon the detection of undocumented alien (UDA) activity in the river by USBP agents. As the UDAs were apprehended or turned back the barrier would be disengaged allowing it to remain up until it is activated again. Two exit ramps would be located adjacent to the Safety Barrier along the banks of the New River to assist any UDAs that were unable to exit the river using its banks. Permanent lighting structures, one or two stadium style lights, would also be installed to assist in deterring and detecting UDAs as they attempt to illegally enter the U.S. via the river. Since the barrier is to be placed along the bridge, no ground disturbance within the river channel will be necessary. The construction of the Safety Barrier includes the installation of chain link fence from the international border to the existing bridge along the outer banks of the New River.

The border fence would be constructed in the same manner as the existing border barrier, using a landing mat style fence. The proposed area for construction of the border barrier has been previously highly disturbed and is essentially void of vegetation. However, minimal vegetation clearing would be necessary to complete this portion of the project.

We are currently in the process of gathering the most current information available regarding Federally and State listed species potentially occurring within the Calexico area. A current list of Federal and State threatened or endangered species that potentially occur in Imperial County is included as Attachment A. Please review this list for accuracy and completeness. The USACE respectfully requests that your agency provide a list and/or description of the sensitive resources (e.g., protected species, state management areas, unique plant communities, etc.) that you believe may be affected by the proposed maintenance activities in the project area. We intend to provide your agency with a copy of the Draft EA once it is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft EA.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Bobby Shelton of my staff at (817) 886-1711.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental and
Regulatory Division

Attachment

Copies Furnished:

Mr. Kevin Feeney
HQ, Department of Homeland Security
425 I Street, RM 2060
Washington D.C 20536

Mr. Joe Lamphear
Regional Environmental Officer
DHS Western Region
P.O. Box 30080
Languna Niguel, California 92677

Attachment A

List of Federal and State Protected Species Potentially Occurring in Riverside County, California

Common/Scientific Name	Federal Status	State Status
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California black rail *Laterallus jamaicensis coturniculus*	SC	T
Western yellow-billed cuckoo *Coccyzus americanus occidentalis*		E
Colorado squawfish *Ptychocheilus lucius*	E	E
Peninsular barefoot banded gecko *Coleonyx switaki*		T
Elf owl *Micrathene whitneyi*		E
Gila woodpecker *Melanerpes uropygialis*		E
Gilded flicker *Colaptes chrysoides*		E
Desert pupfish *Cyprinodon macularius*	E	E
Willow flycatcher *Empidonax traillii*		E
Arizona bell's vireo *Vireo bellii arizonae*		E
Desert toroise *Xerobates agassizii*	T	T
Peninsular Bighorn Sheep *Ovis Canadensis nelsoni DPS*	E	T
Razorback Sucker *Xyrauchen texanus*	E	E
San Diego Button Celery *Eryngium aristulatum Var parishii*	E	E
Algodones Dunes sunflower *Helianthusniveus spp. tephrodes*		E
Peirson's milk-vetch *Astragalus magdalenae var peirsonii*	T	E

E=Endangered
T=Threatened
SC= Species of Concern

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERSS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

September 17 2003

Planning, Environmental and Regulatory Division

SUBJECT: Section 106 Compliance for the Department of Homeland Security (DHS) and Border Patrol (USBP) proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California

Dr. Knox Mellon
California State Historic Preservation Officer
Office of Historic Preservation
ATTN: Dr. Hans Kreutzberg
1416 9TH Street, Room 1442-7
Sacramento, CA 95814

Dear Dr. Mellon,

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.3, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the DHS and the USBP, is notifying you of the proposed project mentioned above and requesting your comments and concurrence.

The Fort Worth District is also preparing a Draft Environmental Assessment (EA) for proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California.

This project consists of construction of the Safety Barrier across the New River along an unused existing bridge located approximately 200 feet north of the U.S./Mexico border within the old U.S. Customs Inspection Port. Construction of 5 miles of border fence would begin at the western rim of the existing border fence extending west to Jackson's Ranch. Attached you will find the following: a portion of the Heber, Mt. Signal, and Calexico 7.5 minute U.S.G.S. quadrangle identifying the proposed project sites and aerial photography of the sites.

The Safety Barrier is a retractable gate-style fence made of aluminum fingers that would be adjusted to the depth of the channel bottom inhibiting illegal traffic flow through the river. USBP agents, upon the detection of illegal alien (IA) activity in the river, would engage the barrier. As the IAs were apprehended or turned back the barrier would be disengaged allowing it to remain up until it is activated again. Two exit ramps would be located adjacent to the Safety Barrier along the banks of the New River to assist any IAs that were unable to exit the river using its banks. Permanent lighting structures, one or two stadium style lights, would also be installed to assist in deterring and detecting IAs as they attempt to illegally enter the U.S. via the river. Since the barrier is to be placed along the bridge, no ground disturbance within the river channel will be

necessary. The construction of the Safety Barrier includes the installation of chain link fence from the international border to the existing bridge along the outer banks of the New River.

The border fence would be constructed in the same manner as the existing border barrier, using a landing mat fence. The proposed area for construction of the border barrier has been previously highly disturbed and is essentially void of vegetation. However, minimal vegetation clearing would be necessary to complete this portion of the project.

In accordance with 36 CFR Part 800.4(d)(1), we have determined that the proposed installation and operation of these features will have no effect upon any historic properties. We ask for your concurrence with our determination of no effect. If, as stated in Part 800.4(d)(1), we have not heard from your office in thirty (30) days of receipt of this request, we will assume your concurrence and our Section 106 responsibilities regarding this proposed project will be fulfilled. Also, in accordance with 36 CFR Part 800.4(d)(1) we are contacting the appropriate Native American tribes to afford them an opportunity to comment on this undertaking as well.

Thank you for your assistance in this matter. We look forward to hearing from you concerning this proposed project. Should you require further information, please contact Ms. Patience Patterson of my office at (817) 886-1723.

Sincerely,

/s/

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERSS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

September 29, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Section 106 Compliance for the Department of Homeland Security (DHS) and Border Patrol (USBP) proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California

Honorable Clifford M. LaChappa, Chairman
Barona Band of Mission Indians
1095 Barona Road
Lakeside, CA 92040

Dear Chairman LaChappa:

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.3, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the DHS and the USBP, is notifying you of the proposed project mentioned above and requesting your comments. The Fort Worth District is also preparing a Draft Environmental Assessment (EA) for proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California.

This project consists of construction of the Safety Barrier across the New River along an unused existing bridge located approximately 200 feet north of the U.S./Mexico border within the old U.S. Customs Inspection Port. Construction of 5 miles of border fence would begin at the western rim of the existing border fence extending west to Jackson's Ranch. Attached you will find the following: a portion of the Heber, Mt. Signal, and Calexico 7.5 minute U.S.G.S. quadrangle identifying the proposed project sites and aerial photography of the sites.

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The border fence would be constructed in the same manner as the existing border barrier, using a landing mat fence. The proposed area for construction of the border barrier has been previously highly disturbed and is essentially void of vegetation. However, minimal vegetation clearing would be necessary to complete this portion of the project.

In accordance with 36 CFR Part 800.4(d)(1), we have determined that the proposed installation and operation of these features will have no effect upon any historic properties. We have asked for SHPO concurrence with our determination of no effect. If, as stated in Part 800.4(d)(1), we have not heard from the SHPO in thirty (30) days of receipt of this request, we will assume concurrence and our Section 106 responsibilities regarding this proposed project will be fulfilled. We wish to afford you an opportunity to comment on this undertaking. Should there be any Traditional Cultural Places or Sacred Places in this area, we would appreciate your help in this matter.

Thank you for your assistance, we look forward to hearing from you concerning this proposed project. Should you require further information, please contact Ms. Patience Patterson of my office at (817) 886-1723.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERSS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

September 29, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Section 106 Compliance for the Department of Homeland Security (DHS) and Border Patrol (USBP) proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California

Honorable Ralph Goff, Chairman
Campo Band of Mission Indians
36190 Church Road, Suite 1
Campo, CA 91906

Dear Chairman Goff:

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.3, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the DHS and the USBP, is notifying you of the proposed project mentioned above and requesting your comments. The Fort Worth District is also preparing a Draft Environmental Assessment (EA) for proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California.

This project consists of construction of the Safety Barrier across the New River along an unused existing bridge located approximately 200 feet north of the U.S./Mexico border within the old U.S. Customs Inspection Port. Construction of 5 miles of border fence would begin at the western rim of the existing border fence extending west to Jackson's Ranch. Attached you will find the following: a portion of the Heber, Mt. Signal, and Calexico 7.5 minute U.S.G.S. quadrangle identifying the proposed project sites and aerial photography of the sites.

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Thank you for your assistance, we look forward to hearing from you concerning this proposed project. Should you require further information, please contact Ms. Patience Patterson of my office at (817) 886-1723.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERSS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

September 29, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Section 106 Compliance for the Department of Homeland Security (DHS) and Border Patrol (USBP) proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California

Honorable Tony Pinto, Chairman
Cuyapaipe Band of Mission Indians
P.O. Box 2250
Alpine, CA 91903

Dear Chairman Pinto:

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.3, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the DHS and the USBP, is notifying you of the proposed project mentioned above and requesting your comments. The Fort Worth District is also preparing a Draft Environmental Assessment (EA) for proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California.

This project consists of construction of the Safety Barrier across the New River along an unused existing bridge located approximately 200 feet north of the U.S./Mexico border within the old U.S. Customs Inspection Port. Construction of 5 miles of border fence would begin at the western rim of the existing border fence extending west to Jackson's Ranch. Attached you will find the following: a portion of the Heber, Mt. Signal, and Calexico 7.5 minute U.S.G.S. quadrangle identifying the proposed project sites and aerial photography of the sites.

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Thank you for your assistance, we look forward to hearing from you concerning this proposed project. Should you require further information, please contact Ms. Patience Patterson of my office at (817) 886-1723.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERSS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

September 29, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Section 106 Compliance for the Department of Homeland Security (DHS) and Border Patrol (USBP) proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California

Honorable Rebecca Maxcy, Chairwoman
Inaja-Cosmit Reservation
1040 East Valley Parkway, Unit A
Escondido, CA 92025

Dear Chairwoman Maxcy:

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.3, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the DHS and the USBP, is notifying you of the proposed project mentioned above and requesting your comments. The Fort Worth District is also preparing a Draft Environmental Assessment (EA) for proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California.

This project consists of construction of the Safety Barrier across the New River along an unused existing bridge located approximately 200 feet north of the U.S./Mexico border within the old U.S. Customs Inspection Port. Construction of 5 miles of border fence would begin at the western rim of the existing border fence extending west to Jackson's Ranch. Attached you will find the following: a portion of the Heber, Mt. Signal, and Calexico 7.5 minute U.S.G.S. quadrangle identifying the proposed project sites and aerial photography of the sites.

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Thank you for your assistance, we look forward to hearing from you concerning this proposed project. Should you require further information, please contact Ms. Patience Patterson of my office at (817) 886-1723.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERSS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

September 29, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Section 106 Compliance for the Department of Homeland Security (DHS) and Border Patrol (USBP) proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California

Honorable Kenneth Meza, Sr., Chairman
Jamul Indian Village
P.O. Box 612
Jamul, CA 91935

Dear Chairman Meza:

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.3, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the DHS and the USBP, is notifying you of the proposed project mentioned above and requesting your comments. The Fort Worth District is also preparing a Draft Environmental Assessment (EA) for proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California.

This project consists of construction of the Safety Barrier across the New River along an unused existing bridge located approximately 200 feet north of the U.S./Mexico border within the old U.S. Customs Inspection Port. Construction of 5 miles of border fence would begin at the western rim of the existing border fence extending west to Jackson's Ranch. Attached you will find the following: a portion of the Heber, Mt. Signal, and Calexico 7.5 minute U.S.G.S. quadrangle identifying the proposed project sites and aerial photography of the sites.

The Safety Barrier is a retractable gate-style fence made of aluminum fingers that would be adjusted to the depth of the channel bottom inhibiting illegal traffic flow through the river. USBP agents, upon the detection of illegal alien (IA) activity in the river, would engage the barrier. As the IAs were apprehended or turned back the barrier would be disengaged allowing it to remain up until it is activated again. Two exit ramps would be located adjacent to the Safety Barrier along the banks of the New River to assist any IAs that were unable to exit the river using its banks. Permanent lighting structures, one or two stadium style lights, would also be installed to assist in deterring and detecting IAs as they attempt to illegally enter the U.S. via the river. Since the barrier is to be placed along the bridge, no ground disturbance within the river channel will be necessary. The construction of the Safety Barrier includes the installation of chain link fence from the international border to the existing bridge along the outer banks of the New River.

The border fence would be constructed in the same manner as the existing border barrier, using a landing mat fence. The proposed area for construction of the border barrier has been previously highly disturbed and is essentially void of vegetation. However, minimal vegetation clearing would be necessary to complete this portion of the project.

In accordance with 36 CFR Part 800.4(d)(1), we have determined that the proposed installation and operation of these features will have no effect upon any historic properties. We have asked for SHPO concurrence with our determination of no effect. If, as stated in Part 800.4(d)(1), we have not heard from the SHPO in thirty (30) days of receipt of this request, we will assume concurrence and our Section 106 responsibilities regarding this proposed project will be fulfilled. We wish to afford you an opportunity to comment on this undertaking. Should there be any Traditional Cultural Places or Sacred Places in this area, we would appreciate your help in this matter.

Thank you for your assistance, we look forward to hearing from you concerning this proposed project. Should you require further information, please contact Ms. Patience Patterson of my office at (817) 886-1723.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERSS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

September 29, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Section 106 Compliance for the Department of Homeland Security (DHS) and Border Patrol (USBP) proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California

Honorable Gwendolyn Parada, Chairwoman
La Posta Band of Mission Indians
P.O. Box 1048
Boulevard, CA 91905

Dear Chairwoman Parada:

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.3, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the DHS and the USBP, is notifying you of the proposed project mentioned above and requesting your comments. The Fort Worth District is also preparing a Draft Environmental Assessment (EA) for proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California.

This project consists of construction of the Safety Barrier across the New River along an unused existing bridge located approximately 200 feet north of the U.S./Mexico border within the old U.S. Customs Inspection Port. Construction of 5 miles of border fence would begin at the western rim of the existing border fence extending west to Jackson's Ranch. Attached you will find the following: a portion of the Heber, Mt. Signal, and Calexico 7.5 minute U.S.G.S. quadrangle identifying the proposed project sites and aerial photography of the sites.

The Safety Barrier is a retractable gate-style fence made of aluminum fingers that would be adjusted to the depth of the channel bottom inhibiting illegal traffic flow through the river. USBP agents, upon the detection of illegal alien (IA) activity in the river, would engage the barrier. As the IAs were apprehended or turned back the barrier would be disengaged allowing it to remain up until it is activated again. Two exit ramps would be located adjacent to the Safety Barrier along the banks of the New River to assist any IAs that were unable to exit the river using its banks. Permanent lighting structures, one or two stadium style lights, would also be installed to assist in deterring and detecting IAs as they attempt to illegally enter the U.S. via the river. Since the barrier is to be placed along the bridge, no ground disturbance within the river channel will be necessary. The construction of the Safety Barrier includes the installation of chain link fence from the international border to the existing bridge along the outer banks of the New River.

The border fence would be constructed in the same manner as the existing border barrier, using a landing mat fence. The proposed area for construction of the border barrier has been previously highly disturbed and is essentially void of vegetation. However, minimal vegetation clearing would be necessary to complete this portion of the project.

In accordance with 36 CFR Part 800.4(d)(1), we have determined that the proposed installation and operation of these features will have no effect upon any historic properties. We have asked for SHPO concurrence with our determination of no effect. If, as stated in Part 800.4(d)(1), we have not heard from the SHPO in thirty (30) days of receipt of this request, we will assume concurrence and our Section 106 responsibilities regarding this proposed project will be fulfilled. We wish to afford you an opportunity to comment on this undertaking. Should there be any Traditional Cultural Places or Sacred Places in this area, we would appreciate your help in this matter.

Thank you for your assistance, we look forward to hearing from you concerning this proposed project. Should you require further information, please contact Ms. Patience Patterson of my office at (817) 886-1723.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERSS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

September 29, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Section 106 Compliance for the Department of Homeland Security (DHS) and Border Patrol (USBP) proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California

Honorable Leroy Elliott, Chairman
Manzanita Band of Mission Indians
P.O. Box 1302
Boulevard, CA 91905

Dear Chairman Elliott:

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.3, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the DHS and the USBP, is notifying you of the proposed project mentioned above and requesting your comments. The Fort Worth District is also preparing a Draft Environmental Assessment (EA) for proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California.

This project consists of construction of the Safety Barrier across the New River along an unused existing bridge located approximately 200 feet north of the U.S./Mexico border within the old U.S. Customs Inspection Port. Construction of 5 miles of border fence would begin at the western rim of the existing border fence extending west to Jackson's Ranch. Attached you will find the following: a portion of the Heber, Mt. Signal, and Calexico 7.5 minute U.S.G.S. quadrangle identifying the proposed project sites and aerial photography of the sites.

The Safety Barrier is a retractable gate-style fence made of aluminum fingers that would be adjusted to the depth of the channel bottom inhibiting illegal traffic flow through the river. USBP agents, upon the detection of illegal alien (IA) activity in the river, would engage the barrier. As the IAs were apprehended or turned back the barrier would be disengaged allowing it to remain up until it is activated again. Two exit ramps would be located adjacent to the Safety Barrier along the banks of the New River to assist any IAs that were unable to exit the river using its banks. Permanent lighting structures, one or two stadium style lights, would also be installed to assist in deterring and detecting IAs as they attempt to illegally enter the U.S. via the river. Since the barrier is to be placed along the bridge, no ground disturbance within the river channel will be necessary. The construction of the Safety Barrier includes the installation of chain link fence from the international border to the existing bridge along the outer banks of the New River.

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In accordance with 36 CFR Part 800.4(d)(1), we have determined that the proposed installation and operation of these features will have no effect upon any historic properties. We have asked for SHPO concurrence with our determination of no effect. If, as stated in Part 800.4(d)(1), we have not heard from the SHPO in thirty (30) days of receipt of this request, we will assume concurrence and our Section 106 responsibilities regarding this proposed project will be fulfilled. We wish to afford you an opportunity to comment on this undertaking. Should there be any Traditional Cultural Places or Sacred Places in this area, we would appreciate your help in this matter.

Thank you for your assistance, we look forward to hearing from you concerning this proposed project. Should you require further information, please contact Ms. Patience Patterson of my office at (817) 886-1723.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERSS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

September 29, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Section 106 Compliance for the Department of Homeland Security (DHS) and Border Patrol (USBP) proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California

Honorable Mike Jackson, Sr., President
Quechan Tribe
350 Picacho Rd.
Winterhaven, CA 92283

Dear President Jackson:

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.3, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the DHS and the USBP, is notifying you of the proposed project mentioned above and requesting your comments. The Fort Worth District is also preparing a Draft Environmental Assessment (EA) for proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California.

This project consists of construction of the Safety Barrier across the New River along an unused existing bridge located approximately 200 feet north of the U.S./Mexico border within the old U.S. Customs Inspection Port. Construction of 5 miles of border fence would begin at the western rim of the existing border fence extending west to Jackson's Ranch. Attached you will find the following: a portion of the Heber, Mt. Signal, and Calexico 7.5 minute U.S.G.S. quadrangle identifying the proposed project sites and aerial photography of the sites.

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Thank you for your assistance, we look forward to hearing from you concerning this proposed project. Should you require further information, please contact Ms. Patience Patterson of my office at (817) 886-1723.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERSS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

September 29, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Section 106 Compliance for the Department of Homeland Security (DHS) and Border Patrol (USBP) proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California

Honorable Georgia Tucker-Kimble, Spokesperson
Sycuan Band of Mission Indians
5459 Dehesa Road
El Cajon, CA 92019

Dear Spokesperson Tucker-Kimble:

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.3, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the DHS and the USBP, is notifying you of the proposed project mentioned above and requesting your comments. The Fort Worth District is also preparing a Draft Environmental Assessment (EA) for proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California.

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Thank you for your assistance, we look forward to hearing from you concerning this proposed project. Should you require further information, please contact Ms. Patience Patterson of my office at (817) 886-1723.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERSS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

September 29, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Section 106 Compliance for the Department of Homeland Security (DHS) and Border Patrol (USBP) proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California

Honorable Steve TeSam. Chairman
Viejas Band of Kumeyaay Indians
P.O. Box 908
Alpine, CA 91903

Dear Chairman TeSam:

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.3, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the DHS and the USBP, is notifying you of the proposed project mentioned above and requesting your comments. The Fort Worth District is also preparing a Draft Environmental Assessment (EA) for proposed installation and operation of the New River Safety Barrier and 5 miles of border barrier fence located in Calexico, California.

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Thank you for your assistance, we look forward to hearing from you concerning this proposed project. Should you require further information, please contact Ms. Patience Patterson of my office at (817) 886-1723.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

October 7, 2003

Attn: William Fickel, Jr.
Chief, Planning, Environmental and Regulatory Division
United States Department of the Army
Fort Worth District, Corp of Engineers
P.O. Box 17300, 819 Taylor Street
Fort Worth, Texas 76102-0300

RE: Draft EA Notification of Safety Barrier across the U.S./Mexico Border

Dear Mr. Fickel:

In behalf of Sycuan's tribal Community Development Dept., this formal response is submitted as it regards the above referenced subject matter.

Sycuan Band of the Kumeyaay Nation appreciates the notification which the Corps of Engineers extended to us.

However, at this time we offer no formal comment. As we suspect that your department has already reviewed the prevailing Applicable Relevant Appropriate Requirements (ARARs) i.e. national historic, environmental, public health and ecological laws, regulations and standards.

Thank you for your consideration.

Sincerely,

Roger D. Simpson, P.E.
Director of Community Development

Cc:

M. Anthony Collins, Ph.D.
Environmental Manager

5459 Sycuan Road • El Cajon, California 92019 • 619.445.2613 • Fax 619.445.1927 • www.sycuan.com

DEPARTMENT OF FISH AND GAME
Eastern Sierra & Inland Deserts Region
78-078 Country Club Drive, Suite 109
Bermuda Dunes, CA 92201

PER-E

22 October 2003

Mr. William Fickel, Jr.
Chief, Planning, Environmental, and Regulatory Division
Department of the Army
Fort Worth District, Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

Dear Mr. Fickel,

Mr. Bill Tippets has forwarded your letter of October 1, 2003 regarding the New River Safety Barrier Project to me for response. Please direct all further correspondence regarding this project to my attention at the above address. The Department has reviewed the list of Threatened and Endangered species provided in Attachment A. The burrowing owl (*Athene cunicularia*), a California Species of Special Concern should be added to the list. In addition to its status as a Species of Special Concern, the Department has recently been petitioned to place the burrowing owl on the California Endangered Species list. A recommendation is pending on the petition.

The Department appreciates the opportunity to comment on this project. If you have any questions, please contact Mr. Eddy Konno, Associate Wildlife Biologist, at (760) 200-9174.

Sincerely,

Kimberly Nicol

Kimberly Nicol
Staff Environmental Scientist
Eastern Sierra/Inland Deserts Region

NOV 0 3 2003

State of California - The Resources Agency ARNOLD SCHWARZENEGGER, Governor
DEPARTMENT OF FISH AND GAME
Eastern Sierra - Inland Deserts Region
78078 Country Club Dr., Ste. 109
Bermuda Dunes, CA 92201

21 November 2003

Joe Lamphear
Environmental Specialist,
Western Regional Office
Department of Homeland Security
24000 Avila Road
Laguna Niguel, California 92677

Dear Mr. Lamphear,

The California Department of Fish and Game (Department) has reviewed the draft Environmental Assessment (EA) for the proposed New River Barrier and Border Fence Project, Calexico California. The EA addresses the proposed installation and operation of a safety barrier across the New River and 5 miles of new border fence in Calexico, Imperial County California. The Department has the following comments on the EA:

Table 3-3 on page 3-11 of the document fails to list the western burrowing owl (*Athene cunicularia*) and the Flat tailed-horned lizard (*Phrynosoma mcallii*). Both species are California Species of special Concern. A petition to list the western burrowing owl as threatened under the California Endangered Species Act was submitted to the Fish and Game Commission in 2003. The U. S. Fish and Wildlife Service is currently in litigation after declining to list the flat tailed horned lizard as threatened under the Federal Endangered Species Act in 2002.

The Department recommends that burrowing owl surveys be done along the right-of-way for the border fence. Any burrows that cannot be avoided should be mitigated at a 2:1 ration with artificial burrows located in an adjacent protected area that provides a minimum 6.5 acres per pair or solitary owl.

Surveys for the flat-tailed horned lizard should be conducted within both the temporary and permanent impact area of the fence. If lizards are present then mitigation measures outlined in the Range-Wide Conservation Strategy for the Flat-tailed horned lizard should be followed.

Thank you for the opportunity to comment on this document. If you have any questions please contact Mr. Eddy Konno, Associate Biologist, at (760) 200-9174.

Sincerely,

Kimberly Nicol

Kimberly Nicol
Staff Environmental Scientist
Eastern Sierra - Inland Deserts Region

COUNTY OF IMPERIAL
PUBLIC HEALTH DEPARTMENT
DIVISION OF ENVIRONMENTAL HEALTH

YVONNE SMITH, M.P.A.
Director
BENJAMIN LEHR, M.D.
Health Officer
THOMAS L. WOLF, REHS
Manager, EHS

December 1, 2003

Mr. Bobby Shelton
U.S. Army Corps of Engineers
Environmental Resources Branch
819 Taylor Street Room 3A14
P.O. Box 17300
Forth Worth, Texas 76102-0300

Subject: Draft Environmental Assessment for the Proposed New River Safety Barrier and Border Fence Project in Calexico, CA

Dear Mr. Shelton:

Thank you for allowing the Imperial County Department of Public Health's Division of Environmental Health Services staff to provide comments for this proposed project and for your agency's consideration of these comments as part of the Environmental Assessment (EA) process.

The Division of Environmental Health Services Local Enforcement Agency (LEA) regulates the collection, handling and disposal of solid waste throughout Imperial County.

The project as described, is being environmental assessed for potential effects, for the proposed installation and operation of a safety barrier which would traverse New River and the installation of 5 mile section of border fencing along the United States and Mexico border.

The proposed safety barrier would be approximately 60 feet long and consist of steel or heavy-duty aluminum railing that would be attached at either end of an existing bridge. The bridge is located southwest of the Calexico downtown Port of Entry. It appears the safety barrier would be stored in the open position and United States Border Patrol agents would lower the barrier upon the detection of illegal alien activity in the river.

The LEA has the following comments and questions:

1. Although the applicant (U.S. Border Patrol) indicates the lowering of the barrier would occur upon the detection of illegal alien activity in the river. During high trafficking activities (illegal alien, drug, etc.) is there a greater potential the barrier would remain in the down position for extended periods of time?

2. Table 3-2 depicts medium Total Maximum Daily Load (TMDL) priority for solid waste (trash) in the New River. The assessment does not discuss how solid waste would be managed if trapped/captured by the barrier. Please explain how solid waste accumulated from the barrier in the lowered position would be properly managed.

3. Page 1-5, Item 1.3, discusses the potential health risks associated with the effluent in the New River. The assessment further defines potential contaminates in New River to include heavy metals from industrial wastes from factories in Mexicali such as mercury and arsenic. If the U.S. Border Patrol plans to manage the solid waste accumulated by the proposed safety barrier, explain how the solid waste would be properly characterized in order to ensure proper disposal.

Should you have any questions, please do not hesitate to contact this agency at 760-482-4203.

Sincerely,

Jeff Lamoure, REHS III
Local Enforcement Agency – Permitting and Enforcement

CC: Ray Seamans, California Integrated Waste Management Board
Tim Jones, Director, Imperial County Dept. of Public Works
Michele Ochs, California Regional Water Quality Control Board
Teresa Gonzales, California Regional Water Quality Control Board

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STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold
Schwarzenegger
Governor

Jan Boel
Interim Deputy
Director

December 1, 2003

Joe Lamphear
U.S. Department of Homeland Security
24000 Avila Road
Laguna Niguel, CA 92677

Subject: New River Safety Barrier & Border Fence
SCH#: 2003104004

Dear Joe Lamphear:

The State Clearinghouse submitted the above named Environmental Assessment to selected state agencies for review. The review period closed on November 27, 2003, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Document Details Report
State Clearinghouse Data Base

SCH# 2003104004
Project Title New River Safety Barrier & Border Fence
Lead Agency U.S. Department of Homeland Security

Type EA Environmental Assessment

Description Construct a safety barrier on an existing bridge over the new river. Construct an additional 5 miles of border fence.

Lead Agency Contact

Name Joe Lamphear
Agency U.S. Department of Homeland Security
Phone 949.425.7077 **Fax**
email
Address 24000 Avila Road
City Laguna Niguel **State** CA **Zip** 92677

Project Location

County Imperial
City Calexico
Region
Cross Streets
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 98
Airports
Railways
Waterways New River
Schools
Land Use

Project Issues Air Quality; Water Quality

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; Regional Water Quality Control Board, Region 7; Department of Corrections; California Highway Patrol; Caltrans, District 11; Native American Heritage Commission; State Lands Commission

Date Received 10/27/2003 **Start of Review** 10/27/2003 **End of Review** 11/27/2003

Note: Blanks in data fields result from insufficient information provided by lead agency.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009

In Reply Refer To:
FWS-IMP-3751.1

DEC 03 2003

William Fickel, Jr.
Chief, Planning, Environmental and Regulatory Division
Department of the Army
Fort Worth District, Corps of Engineers
PO Box 17300
Fort Worth, Texas 76102-0300

Re: Request for Candidate, Proposed, Threatened, or Endangered Species for New River Safety Barrier Project in Calexico, Imperial County, California

Dear Mr. Derby:

The U.S. Fish and Wildlife Service (Service) has reviewed the information provided in your October 23, 2002, letter to assess the potential presence of federally listed threatened, endangered, or proposed species at the proposed project site. Based on the project description and location, we believe that no impacts to federally listed endangered or threatened species, or designated or proposed critical habitat will occur as a result of the proposed actions. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered. Should you have any further questions, please contact John DiGregoria of my staff at (760) 431-9440.

Sincerely,

for Therese O'Rourke
Assistant Field Supervisor

IMPERIAL IRRIGATION DISTRICT

OPERATING HEADQUARTERS • P. O. BOX 937 • IMPERIAL, CALIFORNIA 92251

December 11, 2003

Mr. Bobby Shelton
U.S. Army Corps of Engineers
Environmental Resources Branch
819 Taylor Street, Room 3A14,
P.O. Box 17300
Forth Worth, Texas 76102-0300

Subject: Draft Environmental Assessment for the Proposed New River Safety Barrier and Border Fence, Calexico, California

Dear Mr. Shelton:

The Engineering Services staff of the Imperial Irrigation District (IID) Water Department has reviewed the above matter. After reviewing this draft assessment, we have the following comments:

1) The proposed 5-mile fence south of the All American Canal would require an encroachment permit from the Bureau of Reclamation. The person to contact regarding this matter is Mr. Roy Romines, Bureau of Reclamation, Yuma Area Office, Calle Agua Salada, Yuma, AZ 85364.

2) IID's preference would be to build the new Border Fence along the same or similar alignment as the existing fence to the east. Cross section drawings showing the proposed fence location should be submitted to IID for review and comment.

3) During the construction of the 5-mile fence, IID operation and maintenance activities must not be hampered by the construction activities.

If you have any questions regarding the above comments, please contact me at (760) 339-9260.

Sincerely,

John R. Kilps, P.E., Supervising Engineer
Engineering Services

Cc: M. Remington, J. Kelly, H. McEnany, Natural Resources

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

December 17, 2003

Planning, Environmental, and Regulatory Division

SUBJECT: Response to Comments and Concerns Regarding the Draft Environment Assessment for the Proposed New River Safety Barrier and Border Fence Project in Calexico, CA

Ms. Kimberly Nicol
California Department of Fish and Game
Eastern Sierra – Inland Deserts Region
78078 Country Club Dr. Ste. 109
Bermuda Dunes, CA 92201

Dear Ms. Nicol:

The U.S. Army Corps of Engineers, Fort Worth District on behalf of the U.S. Border Patrol (USBP) would like to thank you for providing comments and voicing your concerns regarding the New River Safety Barrier and Border Fence Project in letters dated 22 October 2003 and 21 November 2003. Attached are our responses to your specific concerns and comments. Your comments have been duly noted and will be included in the Final EA.

We intend to provide the California Department of Fish and Game with a copy of the Final EA once it is completed. Please inform Mr. Bobby Shelton (817/886-1711) if additional copies are needed and/or if someone else within your agency other than you should receive the Final EA.

Sincerely,

Paul R Hatton

for William Fickel, Jr
Chief, Planning, Environmental and Regulatory Division

Copy Furnished with Attachment:
Mr. Joseph Lamphear
Regional Environmental Officer
DHS Western Region
P.O. Box 30080
Laguna Niguel, California 92677

Comments and Respective Responses on the Environmental Assessment for the Proposed New River Barrier and Border Fence Project in Calexico, CA:

Comment 1: *Table 3-3 on page 3-11 of the document fails to list the western burrowing owl (Athene cunicularia)* (as stated verbatim in CADFG letter dated 21 November 2003 and as addendum species in CADFG letter dated 22 October 2003 to previous list) *and the Flat-tailed horned lizard (Phrynosoma mcallii)* (verbatim in CADFG letter dated 21 November 2003) as being *California species of special concern.*

Response 1: Your comment has been noted and both the burrowing owl and flat-tailed horned lizard have been added to Table 3-3 as a California species of special concern.

Comment 2: *The Department recommends that burrowing owl surveys* ...(and) ...*Surveys for the flat-tailed lizard surveys be conducted* along the right-of-way for the border fence (identified in CADFG letter dated 21 November 2003).

Response 2: As mentioned in the Draft EA (Sections 3.0 and 4.5), biological surveys were completed within the proposed project location. During these surveys any and all species observed or possible habitat was recorded; however, none were observed thus resulting in a negative finding for any protected species.

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

December 17, 2003

Planning, Environmental, and Regulatory Division

SUBJECT: Response to Comments and Concerns Regarding the Draft Environment Assessment for the Proposed New River Safety Barrier and Border Fence Project in Calexico, CA

Mr. Jeff Lamoure
County of Imperial, Public Health Department
Permitting and Enforcement
939 Main Street, B7
El Centro, CA 92243

Dear Mr. Lamoure:

The U.S. Army Corps of Engineers, Fort Worth District on behalf of the U.S. Border Patrol (USBP) would like to thank you for providing comments and voicing your concerns regarding the New River Safety Barrier and Border Fence Project. Attached are our responses to your specific concerns and comments. Your comments have been duly noted and will be included in the Final EA.

We intend to provide the Public Health Department with a copy of the Final EA once it is completed. Please inform Mr. Bobby Shelton (817/886-1711) if additional copies are needed and/or if someone else within your agency other than you should receive the Final EA.

Sincerely,

William Fickel, Jr
Chief, Planning, Environmental and Regulatory Division

Copy Furnished with Attachment:
Mr. Joseph Lamphear
Regional Environmental Officer
DHS Western Region
P.O. Box 30080
Laguna Niguel, California 92677

Comments and Respective Responses on the Environmental Assessment for the Proposed New River Barrier and Border Fence Project in Calexico, CA:

Comment 1: *Although the applicant (U.S. Border Patrol) indicates the lowering of the barrier would occur upon the detection of illegal alien activity in the river. During high trafficking activities (illegal alien, drug, etc.) is there a greater potential the barrier would remain in the down position for extended periods of time?*

Response 1: Since USBP is not able to predict high trafficking events (illegal alien, drug or potential terrorist crossing activities), they are not able to accurately predict the amount of time the barrier would be in the lowered position. However, the barrier and the river would be under surveillance 24 hours a day, 365 days a year and would only be lowered as a deterrent to those attempting to illegally enter the U.S. Therefore we do not anticipate that the barrier will be in the lowered position for any extended periods of time.

Comment 2: *Table 3-2 depicts the medium Total Maximum Daily Load (TMDL) priority for the solid waste (trash) in the New River. The assessment does not discuss how solid waste would be managed if trapped/captured by the barrier. Please explain how solid waste accumulated from the barrier in the lowered position would be properly managed.*

Response 2: The conceptual design of the safety barrier structure is such that water and smaller objects will pass uninhibited through the barrier. Larger objects will only be temporarily halted by the upstream water flow but only while the barrier is in the down position. Once the barrier is raised to the upper most position, larger objects will be allowed to pass. In the unlikely event that any object adheres to the spaces between the tubular shaped barrier tubes, a long pole would be used to dislodge any material back into the flowing river.

Comment 3: *Page 1-5, Item 1.3, discusses the potential health risks associated with the effluent in the New River. The assessment further defines potential contaminates in the New River to include heavy metals from industrial wastes from factories in Mexicali such as mercury and arsenic. If the U.S. Border Patrol plans to manage the solid waste accumulated by the proposed safety barrier, explain how the solid waste would be properly characterized in order to ensure proper disposal.*

Response 3: Since the conceptual design of the bridge barrier and its ability to be raised and lowered does not promote nor sustain the build up of solid waste material, the USBP does not feel there will be any solid waste material present that will need to be characterized and therefore disposed of.

Josh McEnany

From: Terrence.Dean@spl01.usace.army.mil
Sent: Tuesday, October 14, 2003 4:40 PM
To: joshm@gsrcorp.com
Subject: RE: Section 10 permitting questions

Josh - As we discussed on the phone, the New River in Imperial County is not considered navigable waters pursuant to Section 10 of the Rivers and Harbors Act of 1899. It is a tributary to the Salton Sea, which is Corps jurisdictional, and is jurisdictional itself under Section 404 of the Clean Water Act. Therefore, if there will be no "discharge of dredged or fill material" into the River below the ordinary high water mark or into any adjacent wetlands, no Corps permit is required for the project. If fill is proposed, then a Corps permit is required pursuant to Section 404.

I hope this helps. tcd

Terrence ("Terry") C. Dean
Project Manager/Ecologist
U.S. Army Corps of Engineers
Regulatory Branch, San Diego Field Office
16885 West Bernardo Drive, Suite 300-A
San Diego, California 92127

Phone: 858.674.5386
Fax: 858.674.5388
Email: terrence.dean@usace.army.mil
L.A. District (Regulatory) Web Site:
www.usace.army.mil/regulatory

-----Original Message-----
From: Josh McEnany [mailto:joshm@gsrcorp.com]
Sent: Tuesday, October 14, 2003 1:55 PM
To: Dean, Terrence
Subject: Section 10 permitting questions

Mr. Dean,

As per our conversation on 9/4/03 and 10/13/03 it is my understanding that the New River is not considered a navigable waterway, thus, there is no need to obtain a Setion 10 permit for the actions described below.

The Safety Barrier would be approximately 60 ft long and would be mounted flush against the "Safety Barrier Bridge". This bridge is located approximately 200 feet north of the international border within the old U.S. Customs Inspection Facility and spans the New River. The main structure of the barrier would consist of steel or heavy-duty aluminum and would be attached at either end of the Safety Barrier Bridge. This would act as a rail or guide for the barrier to move up and down. The Safety Barrier is a retractable gate style fence made of aluminum fingers that would be adjusted to the depth of the channel bottom. No ground or channel disturbance would

be nessecary for activation or construction of the barrier. The barrier would be engaged upon the detection of illegal alien activity in the river by USBP agents. As the illegal aliens were apprehended or turned back, the barrier would be disengaged allowing it to remain up and out of the channel until it is activated again. Two exit ramps (ladder type structures) as well as life rings would be located adjacent to the Safety Barrier along the banks of the New River to assist any illegal aliens that were unable to exit the river using its banks.

Your written concurrence that a Section 10 permit will not be neccessary for this project would be appreciated. Thanks for your time and consideration.

Josh

Josh McEnany
Gulf South Research Corporation
7602 GSRI Avenue
Baton Rouge, La. 70820
(225) 757-8088 wk
(225) 761-8077 fax